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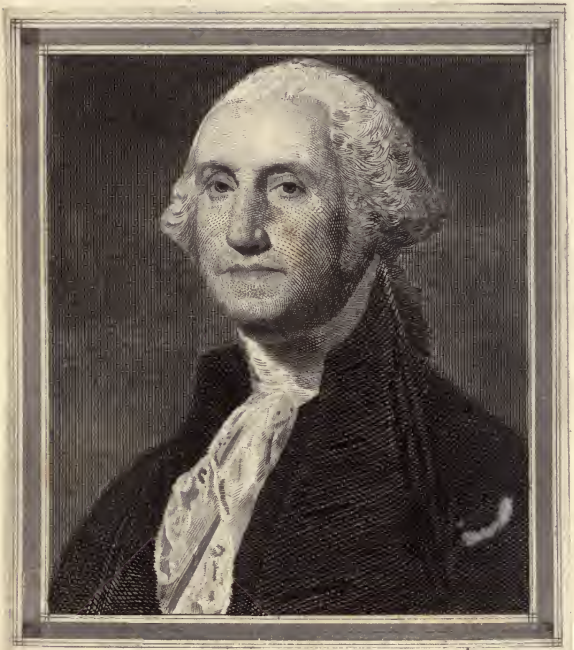

GEO. WASHINGTON.

Born Feb. 22 1732, In. March 4. 1789. Obt. Dec. 14. 1799. Æ. 68.

THE

TRUE AMERICAN;

CONTAINING THE PORTRAITS OF

WASHINGTON, ADAMS, AND JEFFERSON,

WITH A SKETCH OF

THEIR LIVES AND POLITICAL CHARACTERS;

TOGETHER WITH

ALL THEIR MESSAGES,

EXCEPTING THOSE ALREADY PUBLISHED IN THE FIRST VOLUME OF THIS WORK;

JACKSON'S

PROCLAMATION AND NULLIFICATION MESSAGE;

AN ADDRESS

TO THE

YOUNG MEN AND PEOPLE OF AMERICA,

AND

A VARIETY OF OTHER MATTER USEFUL AND ENTERTAINING.

EDITED BY JOSEPH COE.

VOL. II.

CONCORD, N. H.
MORRILL, SILSBY, & CO.
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PREFACE.

The present is a time which must force people to serious reflection on the prospect of the country; and it therefore seems proper to recur to first principles, to go back and examine the views entertained and principles contended for by those whom the republic has ever delighted to honor.

The recent triumph of the whig party has revived systems and measures which, for nearly half a century, had been repudiated by the democracy as unsafe, unsound, inimical to liberty, and destructive of the best interests of the great mass of the people. The creation of a national debt; a national bank; increased taxation, by enhancing the tariff, not for the necessary purposes of revenue, nor yet for protection, but for distribution among the states in the shape of the proceeds of the public lands; a wanton profuseness and extravagance in the expenditure of the public money, exhausting the treasury for the benefit of partisans and dependents, thus rendering it necessary to replenish it by loans and the imposition of new taxes on industry and the necessaries of life; these all are measures so wide in their influence, and so important in their consequences, that their adoption and prosecution by the party in power cannot fail to awaken the whole community to deep and solemn thought. They are that system of measures which Jefferson, Madison, and Jackson so powerfully and successfully resisted.

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The overthrow of our republic cannot be effected openly by means professedly adopted for such a purpose. The love of liberty glows yet too brightly in the hearts of the great mass of our citizens, to render any open and avowed attacks upon it either politic or safe. The result will be brought about by subtle measures, the tendency of which is not seen till it is too late, by professions of attachment to democracy, by a liberal use of popular catch-words and phrases, which shall tend to throw honest and confiding citizens off their guard. Enemies of liberty will assume the guise and imitate the speech of its friends. Their measures are all professedly proposed for the benefit of the people, and the hope is entertained that the people may be made to adopt them, and thus, as it were, to place the yoke on their own necks, and the chain upon their own limbs. The fate of all past republics is before us, and full of warning and instruction. If we will but listen, they tell us that the price of liberty is eternal vigilance; when our industrious laborers, skilful mechanics, and enterprising traders find it, or fancy they find it, necessary to take sides with the enemies of liberty against their country for the promotion of their own personal interest. We may then rest assured that no ordinary danger is ahead.

Our fathers did not wait till the tyrant had consummated his work; they stood firm, incorruptible, inflexible in their purposes, and strong in their love of liberty, and ready and willing to stake honor, fortune, and life for its possession. Without similar firmness, incorruptibility, and inflexibility of purpose, we shall fail to preserve it for ourselves, much more to transmit it as an inheritance for our children.

The portion of the community on whom we must in the main rely to fight the battles of free-

dom, and prolong the life of the republic, are the cultivators of the soil, mechanics, the producing classes of the community. These are the bone and muscle of the country. The fate of our institutions is mainly in their hands; and to them the Editor makes his appeal, entreating them to be on their guard, to keep their lights burning, their sentinels posted and on the look out, ready to give warning on the approach of danger, that they may not become entangled by the arts of the enemy, or crushed by his machinery; believing, as the Editor does, that the natural tendency of the leading policy of the party now in power is ruinous to the permanency of our free institutions. He is induced to continue the publication of the True American, and to spread before his countrymen the doctrines and warnings of the great, the wise, and the good, who were distinguished for their patriotism, their private worth and public virtues, and whose best energies and whole lives were devoted to the defence of republican freedom. The documents he has collected and publishes, will serve as a sort of chart of our political coast, which may warn the navigators of the ship of state of the rocks, shoals, and quicksands they must study to avoid, and point them to the only sure channel through which they can enter the harbor, and anchor in safety.

In conclusion he would say, that though the enemies of liberty are now in power, he still confides in the intelligence and patriotism of the great body of the American people, and fears not but through an overruling Providence the republic will yet be preserved.

Durham, July 27, 1841.

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THE

TRUE AMERICAN.

GEORGE WASHINGTON.

George Washington, the first President of the United States, and the most illustrious among the champions of their independence, was the son of Augustine Washington, a respectable planter in Virginia, and the descendant of John Washington, who, at an early period, held an important command against the Indians, with the rank of colonel. The future statesman and hero was born in Westmoreland county, Virginia, on the 22d of February, 1732; but his father, not long afterwards, removed to an estate in Strafford county, on the banks of the Rappahannoc. He died when George was only eleven years of age, leaving, as the fruit of his industry and enterprise, a large landed estate to be divided among his family.

Under the guidance of an excellent mother, and the instructions of the teacher of a common school, he acquired the first rudiments of a useful, though far from liberal education. His military propensities exhibited themselves even in his boyhood. By taking the lead in the mock parades and mimic battles of his school-fellows, he made the same qualities conduce to their amusement, which thirty years afterwards, when fully developed, con-

tributed so largely to the salvation of his country. Fond of athletic sports, he was still distinguished by such a degree of probity and discretion as uniformly commanded the deference of his youthful associates. In numerous instances he was the arbiter of their disputes, and seldom was an appeal taken from his judgment. He left school in the autumn preceding his sixteenth year, having devoted the two last years to geometry, trigonometry, and surveying—studies to which his attention was directed alike by his own inclination and the wishes of his friends. The profession of a surveyor was then a lucrative employment, while the laborious excursions it rendered necessary into wilds which have long since given place to flourishing settlements, were well suited to his hardy and enterprising character.

Through the influence of his elder brother, Lawrence Washington, he received in 1746, while yet at school, a midshipman's warrant under Admiral Vernon. Though this appointment was grateful to his feelings, and afforded him splendid prospects of preferment, he yielded to the solicitations of his mother, and, fortunately for himself and his country, declined its acceptance.

At the age of eighteen years he was employed by Lord Fairfax to survey the immense tracts of wild lands belonging to that nobleman, in the rich valleys bordering upon the Allegany Mountains. The enterprise was arduous in its character, and was conducted with a degree of energy which added not a little to the reputation of young Washington.

At the age of nineteen, when the threatening movements of Indian hordes and French adventurers on the frontiers, rendered extensive preparations necessary for the public defence, he was appointed adjutant-general of one of the military districts of his native state. He en-

tered at once, and with equal zeal, upon the study of military science and the discharge of the important duties of his office, and by his good conduct fast prepared for himself the way to still higher honors. In 1753, we find him treading his way from Williamsburg, then the seat of government in Virginia, to the French posts on the Ohio River, as a commissioner to inquire of the French what were their designs, and ascertain at once their numbers, the extent of their military preparations, and the disposition of the Indian tribes in their vicinity. This route, of more than five hundred and sixty miles, crossing rugged mountains, and passing more than half the distance through an unbroken wilderness thronged with savage enemies, he accomplished in company with only seven attendants. The information which he brought with him on his return, left no doubt of the hostile intentions of the French, and, as a reward for his services, he was, in 1754, appointed colonel of a regiment raised to operate against them. His period of service was short, but brilliant, and closed on the 9th of July, 1755, with the sanguinary battle of Fort Du Quesne. During that battle, so hot was the conflict that Washington, to use nearly his own words, "had four bullets through his coat, and two horses shot under him, and yet escaped unhurt." An Indian warrior, who acted a conspicuous part in that tragedy, was heard to say, long after the battle, that "Washington was never born to be killed by a bullet; for," continued he, "I had seventeen fair fires at him with my rifle, and after all could not bring him to the ground."

Soon after the close of this short but brilliant period of military service, he married Mrs. Martha Custis, a young widow lady of large fortune and superior accomplishments. He then retired to the family residence at

Mount Vernon, which had descended to him upon the death of his elder brother, Lawrence. He devoted himself at once with great zeal to agricultural pursuits, and nearly a thousand persons were at this time employed upon his extensive estates. In 1759, he was elected to the House of Burgesses in Virginia, and retained his seat in that body till the commencement of the Revolution. It was about the time that he first took his seat in this body, that a circumstance occurred which Mr. Wirt has described in the following graphic language. "By the vote of the house, the Speaker, Mr. Robinson, was directed to return their thanks to Col. Washington, on behalf of the colony, for the distinguished military services which he had rendered to his country. As soon as Col. Washington took his seat, Mr. Robinson, in obedience to this order, and following the impulse of his own generous and grateful heart, discharged the duty with great dignity, but with such warmth of coloring and strength of expression, as entirely confounded the young hero. He rose to express his acknowledgments for the honor; but such was his trepidation and confusion, that he could not give distinct utterance to a single syllable. He blushed, stammered and trembled for a second; when the Speaker relieved him by a stroke of address that would have done honor to Louis the Fourteenth, in his proudest and happiest moment. 'Sit down, Mr. Washington,' said he, with a conciliating smile; 'your modesty equals your valor; and that surpasses the power of any language that I possess.'".

In 1774, Washington was elected a member of the first American Congress, and took a conspicuous part in its deliberations. In that body he was deservedly held in the highest estimation. Soon after its first session, Patrick Henry, being asked whom he thought the greatest

man in Congress, replied, "If you speak of eloquence, Mr. Rutledge, of South Carolina, is by far the greatest orator; but, if you speak of solid information and sound judgment, Col. Washington is unquestionably the greatest man on that floor."

On the 15th of June, 1775, the "clash of resounding arms" having already been heard on the plains of Lexington, and the British troops in Boston having been surrounded by an army of American patriots, fresh from the labors of the field and the workshops, GEORGE WASHINGTON was elected by a unanimous vote, commander-in-chief of all the armies, raised or to be raised, for the defence of the liberties of his countrymen. At the same time that they gave him this distinguished appointment, Congress voted him a monthly compensation of five hundred dollars. This sum he nobly refused, declining all compensation beyond his actual expenditures in the public service. It is to this circumstance Lord Byron alludes in the following lines:

> "Great men have always scorned great recompenses;
> Epaminondas saved his Thebes, and died,
> Nor leaving even his funeral expenses:
> George Washington had thanks and nought beside,
> Except the all-cloudless glory (which few men's is,)
> To free his country."

Expressing a modest diffidence in his abilities, he accepted the commission, repaired to Cambridge, and took the command of the American forces. From this period, through all the vicissitudes of a long, bloody, but glorious struggle for independence, the genius of Washington was the presiding spirit which directed the contest. Patient, prudent, and yet unintimidated by the greatest dangers, he engaged in no desperate enterprises, and made no needless sacrifices of human life, but when a fair prospect

of success awaited the blow, struck, and struck manfully for independence. Inspired with a religious confidence, resulting from his own pure intentions and the justice of his cause, his hopes of final triumph in the glorious contest seldom wavered. At times compelled to retreat, with a few sickly, ill clad, and almost disheartened troops, before the superior forces of the enemy, his men marking with the blood from their naked feet the frozen ground they trod upon, a patriotism that never faltered, and a confidence in Providence that never tired, sustained his own courage, and enabled him to impart a similar spirit to the troops under his command. The welfare of his country was alike the subject of his thoughts by day and his prayers by night. It was on an occasion of this kind that an honest Quaker near Valley Forge, in traversing the woods in the vicinity of the American encampment, discovered the great man on his knees and at prayer. When he related what he had seen, he made the prophetic remark: "If George Washington be not a man of God, I am greatly deceived; and still more shall I be deceived if God do not, through him, work out a great salvation for America."

The limits of this sketch will not admit even of an *outline* of the events of the revolution. They are written on the pages of history, and inscribed on the hearts of the countrymen of Washington. From the commencement of the war to the surrender of Cornwallis at Yorktown, an almost continual succession of triumphs rewarded the efforts of the patriots of the revolution. Having concluded his part in the great drama, and secured his countrymen in the enjoyment of peace and independence, on the 4th of December, 1782, Washington took an affectionate leave of his old companions in arms. Soon after, he presented himself before the

American Congress, and surrendered his commission, concluding a brief address to the president on that occasion with the following remarkable words. "Having now finished the work assigned me, I retire from the great theatre of action, and bidding an affectionate farewell to this august body, under whose orders I have so long acted, I here offer my commission, and take leave of all the employments of public life."

On the return of peace he returned, like Cincinnatus, to the plough. He was not destined, however, long to enjoy the quiet of his own farm, and the peaceful occupations of a retired and agricultural life. In 1787, he was elected a member of the convention which framed the American constitution, and chosen by acclamation to preside over its deliberations. In the autumn of 1788, he was elected, by a unanimous vote, first president of the United States, and after having been once re-elected, he declined being again considered a candidate for that important station. At the close of his second term, he took leave of his fellow-citizens in a farewell address, which from the wisdom and patriotism which dictated it, has become scarcely less sacred in the eyes of American freemen, than the constitution which secures to them the enjoyment of the inestimable advantages which it cost them a seven years' war to gain. From his retirement to Mount Vernon, on this occasion, he never returned to the active duties of public life. In the language of a distinguished writer, "he came from his retirement at Mount Vernon accompanied by joyful acclamations of welcome, and he was followed thither by the love and veneration of millions of grateful people."

On the 14th of December, 1799, near the close of a century of which he was the noblest ornament, this great man expired, aged 68 years, and ere the commencement

of another month, the melancholy news had reached every corner of the country, exciting such a deep and universal grief, as the decease of no other mortal has ever occasioned. It was but a short time before this event, that Napoleon Bonaparte, just as he was about to embark for Egypt, passed a high compliment upon his name. "Ah, gentlemen," said he, in reply to an allusion to the American general, "Washington can never be otherwise than well. The measure of his fame is full. Posterity will talk of him with reverence, as the founder of a great empire, when my name shall be lost in the vortex of revolutions."

Among the earliest papers found in the archives at Mount Vernon, were the fragments of manuscripts written by Washington during his boyhood and youth. One hundred and ten rules are here written out and numbered. The source from which they were derived is not mentioned. They form a minute code of regulations for building up the habits of morals, manners, and good conduct in a young person. A few specimens will be enough to show their general complexion; and whoever has studied the character of Washington will be persuaded that some of its most prominent features took their shape from these rules thus early selected and adopted as his guide.

1. Every action in company ought to be with some sign of respect to those present.

2. Let your countenance be pleasant, but in serious matters somewhat grave.

3. Show not yourself glad at the misfortune of another, though he were your enemy.

4. Let your discourse with men of business be short and comprehensive.

5. In visiting the sick, do not presently play the physician if you be not knowing therein.

6. In writing or speaking, give to every person his due title, according to his degree and the custom of the place.

7. When a man does all he can, though it succeeds not well, blame not him that did it.

8. Being to advise or reprehend any one, consider whether it ought to be in public or in private, presently or at some other time, in what terms to do it; and in reproving, show no signs of choler, but do it with sweetness and mildness.

9. Take all admonitions thankfully, in what time or place soever given; but afterwards, not being culpable, take a time or place convenient to let him know it that gave them.

10. Wherein you reprove another, be unblamable yourself; for example is more prevalent than precepts.

11. Use no reproachful language against any one; neither curse nor revile.

12. Be not hasty to believe flying reports to the disparagement of any.

13. In your apparel be modest, and endeavor to accommodate nature, rather than to procure admiration; keep to the fashions of your equals, such as are civil and orderly with respect to times and places.

14. Let your conversation be without malice or envy, for it is a sign of a tractable and commendable nature; and in all causes of passion, admit reason to govern.

15. Be not curious to know the affairs of others, neither approach to those that speak in private.

16. Undertake not what you cannot perform; but be careful to keep your promise.

17. When you deliver a matter, do it without passion and with discretion, however mean the person be you do it to.

18. Be not angry at table, whatever happens, and if you have reason to be so, show it not; put on a cheerful countenance, especially if there be strangers, for good humor makes one dish a feast.

19. When you speak of God or his attributes, let it be seriously in reverence. Honor and obey your natural parents, although they be poor.

20. Let your recreations be manful, not sinful.

21. Labor to keep alive in your breast that little spark of celestial fire, called conscience.

SECOND ANNUAL ADDRESS,

DECEMBER 8, 1790.

Fellow-Citizens of the Senate,
and House of Representatives,

In meeting you again, I feel much satisfaction in being able to repeat my congratulations on the favorable prospects which continue to distinguish our public affairs. The abundant fruits of another year have blessed our country with plenty, and with the means of a flourishing commerce. The progress of public credit is witnessed by a considerable rise of American stock abroad as well as at home; and the revenues allotted for this and other national purposes have been productive beyond the calculations by which they were regulated. This latter circumstance is the more pleasing, as it is not only a proof of the fertility of our resources, but as it assures us of a further increase of the national respectability and credit; and, let me add, as it bears an honorable testimony to the patriotism and integrity of the mercantile and marine part of our citizens. The punctuality of the former in discharging their engagements has been exemplary.

In conforming to the powers vested in me by acts of the last session, a loan of three millions of florins, towards which some provisional measures had previously taken place, has been completed in Holland. As well the celerity with which it has been filled, as the nature of the terms, (considering the more than ordinary demand for borrowing, created by the situation of Europe,) give a reasonable hope that the further execution of those powers may proceed with advantage and success. The secretary of the treasury has my direction to communicate such further particulars as may be requisite for more precise information.

Since your last session, I have received communications, by which it appears that the district of Kentucky, at present a part of Virginia, has concurred in certain propositions contained in a law of that state; in consequence of which, the district is to become a distinct member of the Union, in case the requisite sanction of

Congress be added. For this sanction application is now made. I shall cause the papers on this very important transaction to be laid before you. The liberality and harmony with which it has been conducted, will be found to do great honor to both the parties; and the sentiments of warm attachment to the Union and its present government expressed by our fellow-citizens of Kentucky, cannot fail to add an affectionate concern for their particular welfare to the great national impressions under which you will decide on the case submitted to you.

It has been heretofore known to Congress, that frequent incursions have been made on our frontier settlements by certain banditti of Indians from the north-west side of the Ohio. These, with some of the tribes dwelling on and near the Wabash, have of late been particularly active in their depredations; and, being emboldened by the impunity of their crimes, and aided by such parts of the neighboring tribes as could be seduced to join in their hostilities, or afford them a retreat for their prisoners and plunder, they have, instead of listening to the humane invitations and overtures made on the part of the United States, renewed their violences with fresh alacrity and greater effect. The lives of a number of valuable citizens have thus been sacrificed, and some of them under circumstances peculiarly shocking, whilst others have been carried into a deplorable captivity.

These aggravated provocations rendered it essential to the safety of the western settlements that the aggressors should be made sensible that the government of the Union is not less capable of punishing their crimes, than it is disposed to respect their rights, and reward their attachments. As this object could not be effected by defensive measures, it became necessary to put in force the act which empowers the President to call out the militia for the protection of the frontiers; and I have, accordingly, authorized an expedition, in which the regular troops in that quarter are combined with such draughts of militia as were deemed sufficient. The event of the measure is yet unknown to me. The secretary of war is directed to lay before you a statement of the information on which

it is founded, as well as an estimate of the expense with which it will be attended.

The disturbed situation of Europe, and particularly the critical posture of the great maritime powers, whilst it ought to make us the more thankful for the general peace and security enjoyed by the United States, reminds us, at the same time, of the circumspection with which it becomes us to preserve these blessings. It requires, also, that we should not overlook the tendency of a war, and even of preparations for a war, among the nations most concerned in active commerce with this country, to abridge the means, and thereby at least enhance the price of transporting its valuable productions to their proper markets. I recommend it to your serious reflections how far, and in what mode, it may be expedient to guard against embarrassments from these contingencies, by such encouragements to our own navigation as will render our commerce and agriculture less dependent on foreign bottoms, which may fail us in the very moment most interesting to both of these great objects. Our fisheries, and the transportation of our own produce, offer us abundant means for guarding ourselves against this evil.

Your attention seems to be not less due to that particular branch of our trade which belongs to the Mediterranean. So many circumstances unite in rendering the present state of it distressful to us, that you will not think any deliberations misemployed which may lead to its relief and protection.

The laws you have already passed for the establishment of a judiciary system, have opened the doors of justice to all descriptions of persons. You will consider in your wisdom, whether improvements in that system may yet be made; and, particularly, whether a uniform process of execution, on sentences issuing from the federal courts, be not desirable through all the states.

The patronage of our commerce, of our merchants, and seamen, has called for the appointment of consuls in foreign countries. It seems expedient to regulate by law the exercise of that jurisdiction, and those functions which are permitted them, either by express convention, or by a friendly indulgence, in the places of their resi-

dence. The consular convention, too, with his most Christian majesty has stipulated, in certain cases, the aid of the national authority to his consuls established here. Some legislative provision is requisite to carry these stipulations into full effect.

The establishment of the militia, of a mint, of standards of weights and measures, of the post-office and post-roads, are subjects which, I presume, you will resume of course, and which are abundantly urged by their own importance.

Gentlemen of the House of Representatives:

The sufficiency of the revenues you have established for the objects to which they are appropriated, leaves no doubt that the residuary provisions will be commensurate to the other objects for which the public faith stands now pledged. Allow me, moreover, to hope that it will be a favorite policy with you not merely to secure a payment of the interest of the debt funded, but, as far and as fast as the growing resources of the country will permit, to exonerate it of the principal itself. The appropriations you have made of the western land, explain your dispositions on this subject, and I am persuaded that the sooner that valuable fund can be made to contribute, along with other means, to the actual reduction of the public debt, the more salutary will the measure be to every public interest, as well as the more satisfactory to our constituents.

Gentlemen of the Senate,
and House of Representatives:

In pursuing the various and weighty business of the present session, I indulge the fullest persuasion that your consultations will be equally marked with wisdom, and animated by the love of your country. In whatever belongs to my duty, you shall have all the co-operation which an undiminished zeal for its welfare can inspire. It will be happy for us both, and our best reward, if, by a successful administration of our respective trusts, we can make the established government more and more instrumental in promoting the good of our fellow-citizens, and more and more the objects of their attachment and confidence.

THIRD ANNUAL ADDRESS,

OCTOBER 25, 1791.

Fellow-Citizens of the Senate,
and House of Representatives:

I meet you upon the present occasion with the feelings which are naturally inspired by a strong impression of the prosperous situation of our common country, and by a persuasion equally strong that the labors of the session which has just commenced will, under the guidance of a spirit no less prudent than patriotic, issue in measures conducive to the stability and increase of national prosperity.

Numerous as are the providential blessings which demand our grateful acknowledgments, the abundance with which another year has again rewarded the industry of the husbandman is too important to escape recollection.

Your own observations in your respective situations will have satisfied you of the progressive state of agriculture, manufactures, commerce, and navigation. In tracing their causes, you will have remarked, with particular pleasure, the happy effects of that revival of confidence, public as well as private, to which the constitution and laws of the United States have so eminently contributed; and you will have observed, with no less interest, new and decisive proofs of the increasing reputation and credit of the nation. But you nevertheless cannot fail to derive satisfaction from the confirmation of these circumstances, which will be disclosed in the several official communications that will be made to you in the course of your deliberations.

The rapid subscriptions to the Bank of the United States, which completed the sum allowed to be subscribed in a single day, is among the striking and pleasing evidences which present themselves, not only of confidence in the government, but of resources in the community.

In the interval of your recess, due attention has been paid to the execution of the different objects which were specially provided for by the laws and resolutions of the last session.

Among the most important of these is the defence and security of the western frontiers. To accomplish it on the most humane principles was a primary wish.

Accordingly, at the same time that treaties have been provisionally concluded, and other proper means used to attach the wavering, and to confirm in their friendship the well-disposed tribes of Indians, effectual measures have been adopted to make those of a hostile description sensible that a pacification was desired upon terms of moderation and justice.

These measures having proved unsuccessful, it became necessary to convince the refractory of the power of the United States to punish their depredations. Offensive operations have therefore been directed, to be conducted, however, as consistently as possible with the dictates of humanity. Some of these have been crowned with full success, and others are yet depending. The expeditions which have been completed were carried on under the authority and at the expense of the United States, by the militia of Kentucky, whose enterprise, intrepidity, and good conduct, are entitled to peculiar commendation.

Overtures of peace are still continued to the deluded tribes, and considerable numbers of individuals belonging to them have lately renounced all further opposition, removed from their former situations, and placed themselves under the immediate protection of the United States.

It is sincerely to be desired that all need of coercion in future may cease, and that an intimate intercourse may succeed, calculated to advance the happiness of the Indians, and to attach them firmly to the United States.

In order to this, it seems necessary—

That they should experience the benefits of an impartial dispensation of justice.

That the mode of alienating their lands, the main source of discontent and war, should be so defined and regulated as to obviate impositions, and, as far as may be practicable, controversy concerning the reality and extent of the alienations which are made.

That commerce with them should be promoted under regulations tending to secure an equitable deportment

towards them, and that such rational experiments should be made for imparting to them the blessings of civilization as may from time to time suit their condition.

That the executive of the United States should be enabled to employ the means to which the Indians have been long accustomed for uniting their immediate interests with the preservation of peace.

And that efficacious provision should be made for inflicting adequate penalties upon all those who, by violating their rights, shall infringe the treaties, and endanger the peace of the Union.

A system corresponding with the mild principles of religion and philanthropy towards an unenlightened race of men, whose happiness materially depends on the conduct of the United States, would be as honorable to the national character as conformable to the dictates of sound policy.

The powers specially vested in me by the act laying certain duties on distilled spirits, which respect the subdivisions of the districts into surveys, the appointment of officers, and the assignment of compensation, have likewise been carried into effect. In a matter in which both materials and experience were wanting to guide the calculation, it will be readily conceived that there must have been difficulty in such an adjustment of the rates of compensation as would conciliate a reasonable competency with a proper regard to the limits prescribed by the law. It is hoped that the circumspection which has been used will be found, in the result, to have secured the last of the two objects; but it is probable that, with a view to the first, in some instances a revision of the provision will be found advisable.

The impressions with which this law has been received by the community have been, upon the whole, such as were to be expected among enlightened and well-disposed citizens, from the propriety and necessity of the measure. The novelty, however, of the tax, in a considerable part of the United States, and a misconception of some of its provisions, have given occasion, in particular places, to some degree of discontent. But it is satisfactory to know that this disposition yields to proper explanations

and more just apprehensions of the true nature of the law. And I entertain a full confidence that it will, in all, give way to motives which arise out of a just sense of duty and a virtuous regard to the public welfare.

If there are any circumstances in the law which, consistently with its main design, may be so varied as to remove any well-intentioned objections that may happen to exist, it will consist with a wise moderation to make the proper variations. It is desirable, on all occasions, to unite, with a steady and firm adherence to constitutional and necessary acts of government, the fullest evidence of a disposition, as far as may be practicable, to consult the wishes of every part of the community, and to lay the foundations of the public administration in the affections of the people.

Pursuant to the authority contained in the several acts on that subject, a district of ten miles square, for the permanent seat of the government of the United States has been fixed and announced by proclamation; which district will comprehend lands on both sides of the river Potomac, and the towns of Alexandria and Georgetown. A city has also been laid out agreeably to a plan which will be placed before Congress. And as there is a prospect, favored by the rate of sales which have already taken place, of ample funds for carrying on the necessary public buildings, there is every expectation of their due progress.

The completion of the census of the inhabitants, for which provision was made by law, has been duly notified, (excepting in one instance in which the return has been informal, and another in which it has been omitted or miscarried,) and the returns of the officers who were charged with this duty, which will be laid before you, will give you the pleasing assurance that the present population of the United States borders on four millions of persons.

It is proper also to inform you, that a further loan of two millions and a half of florins has been completed in Holland; the terms of which are similar to those of the one last announced, except as to a small reduction of charges. Another, on like terms, for six millions of

florins, had been set on foot under circumstances that assured an immediate completion.

Gentlemen of the Senate:

Two treaties which have been provisionally concluded with the Cherokees, and Six Nations of Indians, will be laid before you for your consideration and ratification.

Gentlemen of the House of Representatives:

In entering upon the discharge of your legislative trust, you must anticipate with pleasure that many of the difficulties necessarily incident to the first arrangements of a new government for an extensive country, have been happily surmounted by the zealous and judicious exertions of your predecessors in co-operation with the other branch of the legislature. The important objects which remain to be accomplished will, I am persuaded, be conducted upon principles equally comprehensive, and equally well calculated for the advancement of the general weal.

The time limited for receiving subscriptions to the loans proposed by the act making provisions for the debt of the United States having expired, statements from the proper department will, as soon as possible, apprise you of the exact result. Enough, however, is already known to afford an assurance that the views of that act have been substantially fulfilled. The subscription, in the domestic debt of the United States, has embraced by far the greatest proportion of that debt; affording, at the same time, proof of the general satisfaction of the public creditors with the system which has been proposed for their acceptance, and of the spirit of accommodation to the convenience of the government with which they are actuated. The subscriptions in the debts of the respective states, as far as the provisions of the law have permitted, may be said to be yet more general. The part of the debt of the United States which remains unsubscribed will naturally engage your further deliberations.

It is particularly pleasing to me to be able to announce to you, that the revenues which have been established promise to be adequate to their objects, and may be permitted, if no unforeseen exigency occurs, to supersede

for the present, the necessity of any new burdens upon our constituents.

An object which will claim your early attention is a provision for the current service of the ensuing year, together with such ascertained demands upon the treasury as require to be immediately discharged, and such casualties as may have arisen in the execution of the public business, for which no specific appropriation may have yet been made; of all which a proper estimate will be laid before you.

Gentlemen of the Senate,
and of the House of Representatives:

I shall content myself with a general reference to former communications, for several objects, upon which the urgency of other affairs has hitherto postponed any definitive resolution. Their importance will recall them to your attention; and I trust that the progress already made in the most arduous arrangements of the government will afford you leisure to resume them with advantage.

There are, however, some of them of which I cannot forbear a more particular mention. These are, the militia; the post-office and post-roads; the mint; weights and measures; a provision for the sale of the vacant lands of the United States.

The first is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community, or to the preservation of order. In connection with this, the establishment of competent magazines and arsenals, and the fortification of such places as are peculiarly important and vulnerable, naturally present themselves to consideration. The safety of the United States, under divine protection, ought to rest on the basis of systematic and solid arrangements, exposed as little as possible to the hazards of fortuitous circumstances.

The importance of the post-office and post-roads, on a plan sufficiently liberal and comprehensive, as they respect the expedition, safety, and facility of communication, is increased by their instrumentality in diffusing a knowledge of the laws and proceedings of the government,

which, while it contributes to the security of the people, serves also to guard them against the effects of misrepresentation and misconception. The establishment of additional cross-posts, especially to some of the important points in the western and northern parts of the Union, cannot fail to be of material utility.

The disorders in the existing currency, and especially the scarcity of small change, a scarcity so peculiarly distressing to the poorer classes, strongly recommend the carrying into immediate effect the resolution already entered into concerning the establishment of a mint. Measures have been taken pursuant to that resolution for procuring some of the most necessary artists, together with the requisite apparatus.

A uniformity in the weights and measures of the country is among the important objects submitted to you by the constitution, and, if it can be derived from a standard at once invariable and universal, must be no less honorable to the public councils, than conducive to the public convenience.

A provision for the sale of the vacant lands of the United States is particularly urged, among other reasons, by the important considerations that they are pledged as a fund for reimbursing the public debt, that, if timely and judiciously applied, they may save the necessity for burdening our citizens with new taxes for the extinguishment of the principal, and that, being free to discharge the principal but in a limited proportion, no opportunity ought to be lost for availing the public of its right.

FOURTH ANNUAL ADDRESS,

NOVEMBER 6, 1792.

Fellow-Citizens of the Senate, and House of Representatives:

It is some abatement of the satisfaction with which I meet you on the present occasion, that in felicitating you on a continuance of the national prosperity generally, I

am not able to add to it information that the Indian hostilities, which have for some time past distressed our north-western frontier, have terminated.

You will, I am persuaded, learn with no less concern than I communicate it, that reiterated endeavors towards effecting a pacification have hitherto issued only in new and outrageous proofs of persevering hostility on the part of the tribes with whom we are in contest. An earnest desire to procure tranquillity to the frontier—to stop the further effusion of blood—to arrest the progress of expense—to forward the prevalent wish of the nation for peace, has led to strenuous efforts, through various channels, to accomplish these desirable purposes, in making which efforts I consulted less my own anticipations of the event, or the scruples which some considerations were calculated to inspire, than the wish to find the object attainable; or, if not attainable, to ascertain, unequivocally, that such is the case.

A detail of the measures which have been pursued, and of their consequences, which will be laid before you, while it will confirm to you the want of success, thus far, will, I trust, evince that means as proper and as efficacious as could have been devised, have been employed. The issue of some of them, indeed, is still depending; but a favorable one, though not to be despaired of, is not promised by any thing that has yet happened.

In the course of the attempts which have been made, some valuable citizens have fallen victims to their zeal for the public service. A sanction commonly respected even among savages, has been found, in this instance, insufficient to protect from massacre the emissaries of peace: it will, I presume, be duly considered whether the occasion does not call for an exercise of liberality towards the families of the deceased.

It must add to your concern to be informed that, besides the continuation of hostile appearances among the tribes north of the Ohio, some threatening symptoms have of late been revived among some of those south of it.

A part of the Cherokees, known by the name of Chick-

amagas, inhabiting five villages on the Tennessee River, have long been in the practice of committing depredations on the neighboring settlements.

It was hoped that the treaty of Holston, made with the Cherokee nation in July, 1791, would have prevented a repetition of such depredations. But the event has not answered this hope. The Chickamagas, aided by some banditti of another tribe in their vicinity, have recently perpetrated wanton and unprovoked hostilities upon the citizens of the United States in that quarter. The information which has been received on this subject will be laid before you. Hitherto, defensive precautions only have been strictly enjoined and observed.

It is not understood that any breach of treaty, or aggression whatsoever, on the part of the United States or their citizens, is even alleged as a pretext for the spirit of hostility in this quarter.

I have reason to believe that every practicable exertion has been made, (pursuant to the provision by law for that purpose,) to be prepared for the alternative of a prosecution of the war, in the event of a failure of pacific overtures. A large proportion of the troops authorized to be raised have been recruited, though the number is still incomplete, and pains have been taken to discipline and put them in condition for the particular kind of service to be performed. A delay of operations (beside being dictated by the measures which were pursuing towards a pacific termination of the war) has been in itself deemed preferable to immature efforts. A statement from the proper department with regard to the number of troops raised, and some other points which have been suggested, will afford more precise information as a guide to the legislative consultations, and, among other things, will enable Congress to judge whether some additional stimulus to the recruiting service may not be advisable.

In looking forward to the future expense of the operations which may be found inevitable, I derive consolation from the information I receive that the product of the revenues for the present year is likely to supersede the necessity of additional burdens on the community for the service of the ensuing year. This, however, will be

better ascertained in the course of the session; and it is proper to add, that the information alluded to proceeds upon the supposition of no material extension of the spirit of hostility.

I cannot dismiss the subject of Indian affairs, without again recommending to your consideration the expediency of more adequate provisions for giving energy to the laws throughout our interior frontier; and for restraining the commission of outrages upon the Indians, without which all pacific plans must prove nugatory. To enable, by competent rewards, the employment of qualified and trusty persons to reside among them as agents, would also contribute to the preservation of peace and good neighborhood. If, in addition to these expedients, an eligible plan could be devised for promoting civilization among the friendly tribes, and for carrying on trade with them, upon a scale equal to their wants, and under regulations calculated to protect them from imposition and extortion, its influence in cementing their interests with ours could not but be considerable.

The prosperous state of our revenue has been intimated. This would be still more the case, were it not for the impediments which in some places continue to embarrass the collection of the duties on spirits distilled within the United States. These impediments have lessened, and are lessening in local extent; and, as applied to the community at large, the contentment with the law appears to be progressive.

But symptoms of increased opposition having lately manifested themselves in certain quarters, I judged a special interposition on my part proper and advisable; and under this impression have issued a proclamation warning against all unlawful combinations and proceedings, having for their object or tending to obstruct the operation of the law in question, and announcing that all lawful ways and means would be strictly put in execution for bringing to justice the infractors thereof, and securing obedience thereto.

Measures have also been taken for the prosecution of offenders; and Congress may be assured that nothing within constitutional and legal limits, which may depend

upon me, shall be wanting to assert and maintain the just authority of the laws. In fulfilling this trust, I shall count entirely upon the full co-operation of the other departments of the government, and upon the zealous support of all good citizens.

I cannot forbear to bring again into the view of the legislature the subject of a revision of the judiciary system. A representation from the judges of the Supreme Court, which will be laid before you, points out some of the inconveniences that are experienced. In the course of the execution of the laws, considerations arise out of the structure of that system, which in some cases tend to relax their efficacy. As connected with this subject, provisions to facilitate the taking of bail upon processes out of the courts of the United States, and a supplementary definition of offences against the constitution and laws of the Union, and of the punishment for such offences, will, it is presumed, be found worthy of particular attention.

Observations on the value of peace with other nations are unnecessary. It would be wise, however, by timely provisions, to guard against those acts of our own citizens which might tend to disturb it, and to put ourselves in a condition to give that satisfaction to foreign nations, which we may sometimes have occasion to require from them. I particularly recommend to your consideration the means of preventing those aggressions by our citizens on the territory of other nations, and other infractions of the law of nations, which, furnishing just subject of complaint, might endanger our peace with them; and, in general, the maintenance of a friendly intercourse with foreign powers will be presented to your attention by the expiration of the law for that purpose, which takes place, if not renewed, at the close of the present session.

In execution of the authority given by the legislature, measures have been taken for engaging some artists from abroad to aid in the establishment of our mint; others have been employed at home. Provision has been made of the requisite buildings, and these are now putting into proper condition for the purposes of the establishment. There has also been a small beginning in the coinage of

half dimes: the want of small coins in circulation calling the first attention to them.

The regulation of foreign coins, in correspondency with the principles of our national coinage, as being essential to their due operation, and to order in our money concerns, will, I doubt not, be resumed and completed.

It is represented that some provisions in the law which establishes the post-office, operate, in experiment, against the transmission of newspapers to distant parts of the country. Should this, upon due inquiry, be found to be the fact, a full conviction of the importance of facilitating the circulation of political intelligence and information will, I doubt not, lead to the application of a remedy.

The adoption of a constitution for the state of Kentucky has been notified to me. The legislature will share with me in the satisfaction which arises from an event interesting to the happiness of the part of the nation to which it relates, and conducive to the general order.

It is proper likewise to inform you, that, since my last communication on the subject, and in further execution of the acts severally making provision for the public debt, and for the reduction thereof, three new loans have been effected, each for three millions of florins; one at Antwerp, at the annual interest of four and one half per cent. with an allowance of five per cent. in lieu of all charges; and the other two at Amsterdam, at the annual interest of four per cent. with an allowance of five and one half per cent. in one case, and of five per cent. in the other, in lieu of all charges. The rates of these loans, and the circumstances under which they have been made, are confirmations of the high state of our credit abroad.

Among the objects to which these funds have been directed to be applied, the payment of the debts due to certain foreign officers, according to the provision made during the last session, has been embraced.

Gentlemen of the House of Representatives:

I entertain a strong hope that the state of the national finances is now sufficiently matured to enable you to enter

upon a systematic and effectual arrangement for the regular redemption and discharge of the public debt, according to the right which has been reserved to the government; no measure can be more desirable, whether viewed with an eye to its intrinsic importance, or to the general sentiment and wish of the nation.

Provision is likewise requisite for the reimbursement of the loan which has been made of the Bank of the United States, pursuant to the eleventh section of the act by which it is incorporated; in fulfilling the public stipulations in this particular, it is expected a valuable saving will be made.

Appropriations for the current service of the ensuing year, and for such extraordinaries as may require provision, will demand, and I doubt not will engage, your early attention.

Gentlemen of the Senate,
and House of Representatives:

I content myself with recalling your attention, generally, to such objects, not particularised in my present, as have been suggested in my former communications to you.

Various temporary laws will expire during the present session. Among these, that which regulates trade and intercourse with the Indian tribes will merit particular notice.

The results of your common deliberations hitherto will, I trust, be productive of solid and durable advantages to our constituents; such as, by conciliating more and more their ultimate suffrage, will tend to strengthen and confirm their attachment to that constitution of government, upon which, under divine Providence, materially depend their union, their safety, and their happiness.

Still further to promote and secure these inestimable ends, there is nothing which can have a more powerful tendency than the careful cultivation of harmony, combined with a due regard to stability in the public councils.

FIFTH ANNUAL ADDRESS,

DECEMBER 3, 1793.

Fellow-Citizens of the Senate, and House of Representatives:

Since the commencement of the term for which I have been again called into office, no fit occasion has arisen for expressing to my fellow-citizens at large the deep and respectful sense which I feel of the renewed testimony of public approbation. While, on the one hand, it awakened my gratitude for all those instances of affectionate partiality with which I have been honored by my country, on the other, it could not prevent an earnest wish for that retirement from which no private consideration should ever have torn me. But, influenced by the belief that my conduct would be estimated according to its real motives, and that the people, and the authorities derived from them, would support exertions having nothing personal for their object, I have obeyed the suffrage which commanded me to resume the executive power; and I humbly implore that Being on whose will the fate of nations depends to crown with success our mutual endeavors for the general happiness.

As soon as the war in Europe had embraced those powers with whom the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted, and our disposition for peace drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequences of a contraband trade, and of hostile acts to any of the parties; and to obtain by a declaration of the existing legal state of things an easier admission of our rights to the immunities belonging to our situation. Under these impressions the proclamation which will be laid before you is issued.

In this posture of affairs, both new and delicate, I resolved to adopt general rules which should conform to the treaties and assert the privileges of the United States. These were reduced into a system, which will be com-

municated to you. Although I have not thought myself at liberty to forbid the sale of the prizes, permitted by our treaty of commerce with France to be brought into our ports, I have not refused to cause them to be restored when they are taken within the protection of our territory, or by vessels commissioned or equipped in a warlike form within the limits of the United States.

It rests with the wisdom of Congress to correct, improve, or enforce this plan of procedure; and it will probably be found expedient to extend the legal code and the jurisdiction of the courts of the United States to many cases which, though dependent on principles already recognised, demand some further provisions.

Where individuals shall, within the United States, array themselves in hostility against any of the powers at war; or enter upon military expeditions or enterprises within the jurisdiction of the United States; or usurp and exercise judicial authority within the United States; or where the penalties on violations of the law of nations may have been indistinctly marked, or are inadequate; these offences cannot receive too early and close an attention, and require prompt and decisive remedies.

Whatsoever those remedies may be, they will be well administered by the judiciary, who possess a long established course of investigation, effectual process, and officers in the habit of executing it.

In like manner, as several of the courts have doubted, under particular circumstances, their power to liberate the vessels of a nation at peace, and even of a citizen of the United States, although seized under a false color of being hostile property, and have denied their power to liberate certain captures within the protection of our territory, it would seem proper to regulate their jurisdiction in these points: but if the executive is to be the resort in either of the two last-mentioned cases, it is hoped that he will be authorised by law to have facts ascertained by the courts, when, for his own information, he shall request it.

I cannot recommend to your notice measures for the fulfilment of our duties to the rest of the world, without again pressing upon you the necessity of placing our-

selves in a condition of complete defence, and of exacting from them the fulfilment of their duties towards us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war. The documents which will be presented to you will show the amount and kinds of arms and military stores now in our magazines and arsenals; and yet an addition even to these supplies cannot, with prudence, be neglected, as it would leave nothing to the uncertainty of procuring of warlike apparatus in the moment of public danger.

Nor can such arrangements, with such objects, be exposed to the censure or jealousy of the warmest friends of republican government. They are incapable of abuse in the hands of the militia, who ought to possess a pride in being the depositary of the force of the republic, and may be trained to a degree of energy equal to every military exigency of the United States. But it is an inquiry which cannot be too solemnly pursued, whether the act "more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," has organized them so as to produce their full effect; whether your own experience in the several states has not detected some imperfections in the scheme; and whether a material feature in an improvement of it ought not to be to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone.

The connection of the United States with Europe has become extremely interesting. The occurrences which relate to it and have passed under the knowledge of the executive, will be exhibited to Congress in a subsequent communication.

When we contemplate the war on our frontiers, it may

be truly affirmed that every reasonable effort has been made to adjust the causes of dissention with the Indians north of the Ohio. The instructions given to the commissioners evince a moderation and equity proceeding from a sincere love of peace and a liberality having no restriction but the essential interests and dignity of the United States. The attempt, however, of an amicable negotiation having been frustrated, the troops have marched to act offensively. Although the proposed treaty did not arrest the progress of military preparation, it is doubtful how far the advance of the season, before good faith justified active movements, may retard them during the remainder of the year. From the papers and intelligence which relate to this important subject, you will determine whether the deficiency in the number of troops granted by law shall be compensated by succors of militia, or additional encouragements shall be proposed to recruits.

An anxiety has been also demonstrated by the executive for peace with the Creeks and the Cherokees. The former have been relieved by corn and with clothing, and offensive measures against them prohibited during the recess of Congress. To satisfy the complaints of the latter, prosecutions have been instituted for the violences committed upon them. But the papers which will be delivered to you disclose the critical footing on which we stand in regard to both those tribes; and it is with Congress to pronounce what shall be done.

After they shall have provided for the present emergency, it will merit their most serious labors to render tranquillity with the savages permanent by creating ties of interest. Next to a rigorous execution of justice on the violators of peace, the establishment of commerce with the Indian nations, in behalf of the United States, is most likely to conciliate their attachment. But it ought to be conducted without fraud, without extortion, with constant and plentiful supplies; with a ready market for the commodities of the Indians, and a stated price for what they give in payment and receive in exchange. Individuals will not pursue such traffic unless they be illured by the hope of profit; but it will be enough for the United States to be reimbursed only. Should this recomend-

ation accord with the opinion of Congress, they will recollect that it cannot be accomplished by any means yet in the hands of the executive.

Gentlemen of the House of Representatives:

The commissioners charged with the settlement of accounts between the United States and individual states, concluded their important functions within the time limited by law; and the balances struck in their report, which will be laid before Congress, have been placed on the books of the treasury.

On the first day of June last, an instalment of one million of florins became payable on the loans of the United States in Holland. This was adjusted by a prolongation of the period of reimbursement, in nature of a new loan, at an interest of five per cent. for the term of ten years, and the expenses of this operation were a commission of three per cent.

The first instalment of the loan of two millions of dollars from the Bank of the United States has been paid, as was directed by law. For the second it is necessary that provision should be made.

No pecuniary consideration is more urgent than the regular redemption and discharge of the public debt; on none can delay be more injurious, or an economy of time more valuable.

The productiveness of the public revenues hitherto has continued to equal the anticipations which were formed of it; but it is not expected to prove commensurate with all the objects which have been suggested. Some auxiliary provisions will, therefore, it is presumed, be requisite; and it is hoped that these may be made consistently with a due regard to the convenience of our citizens, who cannot but be sensible of the true wisdom of encountering a small present addition to their contributions, to obviate a future accumulation of burdens.

But here I cannot forbear to recommend a repeal of the tax on the transportation of public prints. There is no resource so firm for the government of the United States as the affections of the people guided by an enlightened policy; and, to this primary good, nothing can

conduce more than a faithful representation of public proceedings, diffused, without restraint, throughout the United States.

An estimate of the appropriations necessary for the current service of the ensuing year, and a statement of a purchase of arms and military stores, made during the recess, will be presented to Congress.

Gentlemen of the Senate,
and of the House of Representatives:

The several subjects to which I have now referred, open a wide range to your deliberations, and involve some of the choicest interests of our common country. Permit me to bring to your remembrance the magnitude of your task. Without an unprejudiced coolness, the welfare of the government may be hazarded; without harmony, as far as consists with freedom of sentiment, its dignity may be lost. But, as the legislative proceedings of the United States will never, I trust, be reproached for the want of temper or of candor, so shall not the public happiness languish for the want of my strenuous and warmest co-operation.

SPECIAL MESSAGE

DECEMBER 5, 1793.

Gentlemen of the Senate,
and of the House of Representatives:

As the present situation of the several nations of Europe, and especially of those with which the United States have important relations, cannot but render the state of things between them and us matter of interesting inquiry to the legislature, and may indeed give rise to deliberations to which they alone are competent, I have thought it my duty to communicate to them certain correspondences which have taken place.

The representative and executive bodies of France have manifested generally a friendly attachment to this

country, have given advantages to our commerce and navigation, and have made overtures for placing these advantages on permanent ground. A decree, however, of the National Assembly subjecting vessels laden with provisions to be carried into their ports, and making enemy goods lawful prize in the vessels of a friend, contrary to our treaty, though revoked at one time as to the United States, has been since extended to their vessels also, as has been recently stated to us. Representations on this subject will be immediately given in charge to our minister there, and the result shall be communicated to the legislature.

It is with extreme concern I have to inform you that the proceedings of the person whom they have unfortunately appointed their minister plenipotentiary here, have breathed nothing of the friendly spirit of the nation which sent him; their tendency, on the contrary, has been to involve us in war abroad, and discord and anarchy at home. So far as his acts or those of his agents have threatened our immediate commitment in the war, or flagrant insult to the authority of the laws, their effect has been counteracted by the ordinary cognizance of the laws, and by an exertion of the powers confided to me. Where their danger was not imminent, they have been borne with from sentiments of regard to his nation, from a sense of their friendship towards us, from a conviction that they would not suffer us to remain long exposed to the action of a person who has so little respected our mutual dispositions, and from a reliance on the firmness of my fellow-citizens in their principles of peace and order. In the mean time I have respected and pursued the stipulations of our treaties, according to what I judged their true sense, and have withheld no act of friendship which their affairs have called for from us, and which justice to others left us free to perform. I have gone further; rather than employ force for the restitution of certain vessels which I deemed the United States bound to restore, I thought it more advisable to satisfy the parties by avowing it to be my opinion, that, if restitution were not made, it would be incumbent on the United States to make compensation.

The papers now communicated will more particularly apprise you of these transactions.

The vexations and spoliations understood to have been committed on our vessels and commerce by the cruisers and officers of some of the belligerent powers, appeared to require attention; the proofs of these, however, not having been brought forward, the description of citizens supposed to have suffered were notified, that, on furnishing them to the executive, due measures would be taken to obtain redress of the past, and more effectual provisions against the future. Should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case.

The British government having undertaken, by orders to the commanders of their armed vessels, to restrain generally our commerce in corn and other provisions to their own ports, and those of their friends, the instructions now communicated were immediately forwarded to our minister at that court. In the mean time some discussions on the subject took place between him and them; these are also laid before you, and I may expect to learn the result of his special instructions in time to make it known to the legislature during their present session.

Very early after the arrival of a British minister here, mutual explanations on the inexecution of the treaty of peace were entered into with that minister; these are now laid before you for your information.

On the subject of mutual interest between this country and Spain, negotiations and conferences are now depending; the public good requiring that the present state of these should be made known to the legislature *in confidence only*, they shall be the subject of a separate and subsequent communication.

SIXTH ANNUAL ADDRESS,

NOVEMBER 19, 1794.

Fellow-Citizens of the Senate,
and of the House of Representatives:

When we call to mind the gracious indulgence of Heaven, by which the American people became a nation; when we survey the general prosperity of our country, and look forward to the riches, power, and happiness, to which it seems destined; with the deepest regret do I announce to you that, during your recess, some of the citizens of the United States have been found capable of an insurrection. It is due, however, to the character of our government, and of its stability, which cannot be shaken by the enemies of order, freely to unfold the course of this event.

During the session of the year one thousand seven hundred and ninety, it was expedient to exercise the legislative power, granted by the constitution of the United States, "to lay and collect excises." In a majority of the states, scarcely an objection was heard to this mode of taxation. In some, indeed, alarms were at first conceived, until they were banished by reason and patriotism. In the four western counties of Pennsylvania, a prejudice, fostered and embittered by the artifice of men who labored for an ascendency over the will of others, by the guidance of their passions, produced symptoms of riot and violence. It is well known that Congress did not hesitate to examine the complaints which were presented; and to relieve them as far as justice dictated, or general convenience would permit. But the impression which this moderation made on the discontented, did not correspond with what it deserved. The arts of delusion were no longer confined to the efforts of designing individuals. The very forbearance to press prosecution was misinterpreted into a fear of urging the execution of the laws, and associations of men began to denounce threats against the officers employed. From a belief, that, by a more formal concert, their operation might be defeated, certain self-created societies assumed the tone of condem-

nation. Hence, while the greater part of Pennsylvania itself were conforming themselves to the acts of excise, a few counties were resolved to frustrate them. It was now perceived that every expectation from the tenderness which had been hitherto pursued was unavailing, and that further delay could only create an opinion of impotency or irresolution in the government. Legal process was therefore delivered to the marshal against the rioters and delinquent distillers.

No sooner was he understood to be engaged in this duty, than the vengeance of armed men was aimed at *his* person, and the person and property of the inspector of the revenue. They fired upon the marshal, arrested him, and detained him, for some time, as a prisoner. He was obliged, by the jeopardy of his life, to renounce the service of other process, on the west side of the Alleghany mountain; and a deputation was afterwards sent to him to demand a surrender of that which he *had* served. A numerous body repeatedly attacked the house of the inspector, seized his papers of office, and finally destroyed by fire his buildings, and whatsoever they contained. Both of these officers, from a just regard to their safety, fled to the seat of government; it being avowed that the motives to such outrages were to compel the resignation of the inspector; to withstand by force of arms the authority of the United States; and thereby to extort a repeal of the laws of excise, and an alteration in the conduct of government.

Upon the testimony of these facts, an associate justice of the Supreme Court of the United States notified to me that, "in the counties of Washington and Alleghany, in Pennsylvania, laws of the United States were opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceeding, or by the powers vested in the marshal of that district." On this call, momentous in the extreme, I sought and weighed what might best subdue the crisis. On the one hand, the judiciary was pronounced to be stripped of its capacity to enforce the laws; crimes, which reached the very existence of social order, were perpetrated without control; the friends of government

were insulted, abused, and overawed into silence, or an apparent acquiescence; and to yield to the treasonable fury of so small a portion of the United States would be to violate the fundamental principle of our constitution, which enjoins that the will of the majority shall prevail. On the other, to array citizen against citizen, to publish the dishonor of such excesses, to encounter the expense and other embarrassments of so distant an expedition, were steps too delicate, too closely interwoven with many affecting considerations, to be lightly adopted. I postponed, therefore, the summoning of the militia immediately into the field; but I required them to be held in readiness, that, if my anxious endeavors to reclaim the deluded, and to convince the malignant of their danger, should be fruitless, military force might be prepared to act before the season should be too far advanced.

My proclamation of the 7th of August last was accordingly issued, and accompanied by the appointment of commissioners, who were charged to repair to the scene of insurrection. They were authorised to confer with any bodies of men or individuals. They were instructed to be candid and explicit in stating the sensations which had been excited in the executive, and his earnest wish to avoid a resort to coercion; to represent, however, that, without submission, coercion *must* be the resort; but to invite them, at the same time, to return to the demeanor of faithful citizens, by such accommodations as lay within the sphere of executive power. Pardon, too, was tendered to them by the government of the United States and that of Pennsylvania, upon no other condition than a satisfactory assurance of obedience to the laws.

Although the report of the commissioners marks their firmness and abilities, and must unite all virtuous men, by showing that the means of conciliation have been exhausted, all of those who had committed or abetted the tumults did not subscribe the mild form which was proposed as the atonement; and the indications of a peaceable temper were neither sufficiently general nor conclusive to recommend or warrant the further suspension of the march of the militia.

Thus, the painful alternative could not be discarded.

I ordered the militia to march, after once more admonishing the insurgents, in my proclamation on the 25th of September last.

It was a task too difficult to ascertain with precision the lowest degree of force competent to the quelling of the insurrection. From a respect, indeed, to economy, and the ease of my fellow-citizens belonging to the militia, it would have gratified me to accomplish such an estimate. My very reluctance to ascribe too much importance to the opposition, had its extent been accurately seen, would have been a decided inducement to the smallest efficient number. In this uncertainty, therefore, I put into motion fifteen thousand men, as being an army which, according to all human calculations, would be prompt and adequate in every view, and might, perhaps, by rendering resistance desperate, prevent the effusion of blood. Quotas had been assigned to the states of New Jersey, Pennsylvania, Maryland, and Virginia; the governor of Pennsylvania having declared, on this occasion, an opinion which justified a requisition to the other states.

As commander-in-chief of the militia, when called into the actual service of the United States, I have visited the places of general rendezvous, to obtain more exact information, and to direct a plan for ulterior movements. Had there been room for a persuasion that the laws were secure from obstruction; that the civil magistrate was able to bring to justice such of the most culpable as have not embraced the proffered terms of amnesty, and may be deemed fit objects of example; that the friends to peace and good government were not in need of that aid and countenance which they ought always to receive, and, I trust, ever will receive, against the vicious and turbulent; I should have caught with avidity the opportunity of restoring the militia to their families and homes. But succeeding intelligence has tended to manifest the necessity of what has been done; it being now confessed by those who were not inclined to exaggerate the ill conduct of the insurgents, that their malevolence was not pointed merely to a particular law, but that a spirit, inimical to all order, has actuated many of the offenders. If the state of things had afforded reason for the continuance

of my presence with the army, it would not have been withholden. But every appearance assuring such an issue as will redound to the reputation and strength of the United States, I have judged it most proper to resume my duties at the seat of government, leaving the chief command with the governor of Virginia.

Still, however, as it is probable that in a commotion like the present, whatsoever may be the pretence, the purposes of mischief and revenge may not be laid aside, the stationing of a small force, for a certain period, in the four western counties of Pennsylvania will be indispensable, whether we contemplate the situation of those who are connected with the execution of the laws, or of others who may have exposed themselves by an honorable attachment to them. Thirty days from the commencement of this session being the legal limitation of the employment of the militia, Congress cannot be too early occupied with this subject.

Among the discussions which may arise from this aspect of our affairs, and from the documents which will be submitted to Congress, it will not escape their observation, that not only the inspector of the revenue, but other officers of the United States in Pennsylvania have, from their fidelity in the discharge of their functions, sustained material injuries to their property. The obligation and policy of indemnifying them are strong and obvious. It may also merit attention, whether policy will not enlarge this provision to the retribution of other citizens, who, though not under the ties of office, may have suffered damage by their generous exertions for upholding the constitution and the laws. The amount, even if all the injured were included, would not be great; and, on future emergencies, the government would be amply repaid by the influence of an example that he who incurs a loss in its defence, shall find a recompense in its liberality.

While there is cause to lament that occurrences of this nature should have disgraced the name, or interrupted the tranquillity, of any part of our community, or should have diverted, to a new application, any portion of the public resources, there are not wanting real and

substantial consolations for the misfortune. It has demonstrated that our prosperity rests on solid foundations, by furnishing an additional proof that my fellow-citizens understand the true principles of government and liberty; that they feel their inseparable union; that, notwithstanding all the devices which have been used to sway them from their interest and duty, they are now as ready to maintain the authority of the laws against licentious invasions, as they were to defend their rights against usurpation. It has been a spectacle, displaying to the highest advantage the value of republican government, to behold the most and the least wealthy of our citizens standing in the same ranks as private soldiers, pre-eminently distinguished by being the army of the constitution; undeterred by a march of three hundred miles over rugged mountains, by the approach of an inclement season, or by any other discouragement. Nor ought I to omit to acknowledge the efficacious and patriotic cooperation which I have experienced from the chief magistrates of the states to which my requisitions have been addressed.

To every description of citizens, indeed, let praise be given. But let them persevere in their affectionate vigilance over that precious depository of American happiness, the constitution of the United States. Let them cherish it, too, for the sake of those who, from every clime, are daily seeking a dwelling in our land. And when, in the calm moments of reflection, they shall have retraced the origin and progress of the insurrection, let them determine whether it has not been fomented by combinations of men, who, careless of consequences, and disregarding the unerring truth that those who rouse cannot always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies, and accusations of the whole government.

Having thus fulfilled the engagement which I took, when I entered into office, "to the best of my ability to preserve, protect, and defend the constitution of the United States," on you, gentlemen, and the people by whom you are deputed, I rely for support.

In the arrangements to which the possibility of a similar contingency will naturally draw your attention, it ought not to be forgotten that the militia laws have exhibited such striking defects as could not have been supplied but by the zeal of our citizens. Besides the extraordinary expense and waste, which are not the least of the defects, every appeal to those laws is attended with a doubt on its success.

The devising and establishing of a well-regulated militia would be a genuine source of legislative honor, and a perfect title to public gratitude. I therefore entertain a hope that the present session will not pass without carrying to its full energy the power of organizing, arming, and disciplining the militia; and thus providing, in the language of the constitution, for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions.

As auxiliary to the state of our defence, to which Congress can never too frequently recur, they will not omit to inquire whether the fortifications which have been already licensed by law, be commensurate with our exigences.

The intelligence from the army under the command of General Wayne is a happy presage to our military operations against the hostile Indians north of the Ohio. From the advices which have been forwarded, the advance which he has made must have damped the ardor of the savages, and weakened their obstinacy in waging war against the United States. And, yet, even at this late hour, when our power to punish them cannot be questioned, we shall not be unwilling to cement a lasting peace upon terms of candor, equity, and good neighborhood.

Towards none of the Indian tribes have overtures of friendship been spared. The Creeks, in particular, are covered from encroachment by the interposition of the general government, and that of Georgia. From a desire, also, to remove the discontents of the Six Nations, a settlement meditated at Presque Isle, on Lake Erie, has been suspended, and an agent is now endeavoring to rectify any misconception into which they may have fallen. But I cannot refrain from again pressing upon

your deliberations the plan which I recommended at the last session, for the improvement of harmony with all the Indians within our limits, by the fixing and conducting of the trading houses upon the principles then expressed.

Gentlemen of the House of Representatives:

The time which has elapsed since the commencement of our fiscal measures has developed our pecuniary resources, so as to open the way for a definitive plan for the redemption of the public debt. It is believed that the result is such as to encourage Congress to consummate this work without delay. Nothing can more promote the permanent welfare of the nation, and nothing would be more grateful to our constituents. Indeed, whatsoever is unfinished of our system of public credit cannot be benefited by procrastination; and, as far as may be practicable, we ought to place that credit on grounds which cannot be disturbed, and to prevent that progressive accumulation of debt which must ultimately endanger all governments.

An estimate of the necessary appropriations, including the expenditures into which we have been driven by the insurrection, will be submitted to Congress.

Gentlemen of the Senate,
and of the House of Representatives:

The mint of the United States has entered upon the coinage of the precious metals; and considerable sums of defective coins and bullion have been lodged with the directors by individuals. There is a pleasing prospect that the institution will, at no remote day, realize the expectation which was originally formed of its utility.

In subsequent communications, certain circumstances of our intercourse with foreign nations will be transmitted to Congress. However, it may not be unseasonable to announce that my policy in our foreign transactions has been to cultivate peace with all the world; to observe treaties with pure and absolute faith; to check every deviation from the line of impartiality; to explain what may have been misapprehended, and correct what may have been injurious to any nation; and, having thus ac-

quired the right, to lose no time in acquiring the ability, to insist upon justice being done to ourselves.

Let us unite, therefore, in imploring the Supreme Ruler of nations to spread his holy protection over these United States, to turn the machinations of the wicked to the confirming of our constitution; to enable us, at all times, to root out internal sedition, and put invasion to flight; to perpetuate to our country that prosperity which his goodness has already conferred, and to verify the anticipations of this government being a safeguard to human rights.

SEVENTH ANNUAL ADDRESS,

DECEMBER 8, 1795.

Fellow-Citizens of the Senate,
and House of Representatives:

I trust I do not deceive myself, while I indulge the persuasion that I have never met you at any period, when, more than at the present, the situation of our public affairs has afforded just cause for mutual congratulation, and for inviting you to join with me in profound gratitude to the Author of all good for the numerous and extraordinary blessings we enjoy.

The termination of the long, expensive, and distressing war, in which we have been engaged with certain Indians north-west of the Ohio, is placed in the option of the United States, by a treaty which the commander of our army has concluded, provisionally, with the hostile tribes in that region.

In the adjustment of the terms, the satisfaction of the Indians was deemed an object worthy no less of the policy than of the liberality of the United States, as the necessary basis of durable tranquillity. This object, it is believed, has been fully attained. The articles agreed upon will immediately be laid before the Senate for their consideration.

The Creek and Cherokee Indians, who alone of the

southern tribes had annoyed our frontier, have lately confirmed their pre-existing treaties with us, and were giving evidence of a sincere disposition to carry them into effect, by the surrender of the prisoners and property they had taken; but we have to lament that the fair prospect in this quarter has been once more clouded by wanton murders, which some citizens of Georgia are represented to have recently perpetrated on hunting parties of the Creeks, which have again subjected that frontier to disquietude and danger, which will be productive of further expense, and may occasion more effusion of blood. Measures are pursuing to prevent or mitigate the usual consequences of such outrages, and with the hope of their succeeding, at least to avert general hostility.

A letter from the emperor of Morocco announces to me his recognition of our treaty made with his father the late emperor; and, consequently, the continuance of peace with that power. With peculiar satisfaction I add, that information has been received from an agent deputed on our part to Algiers, importing that the terms of a treaty with the dey and regency of that country had been adjusted in such a manner as to authorize the expectation of a speedy peace and the restoration of our unfortunate fellow-citizens from a grievous captivity.

The latest advices from our envoy at the court of Madrid give, moreover, the pleasing information that he had received assurances of a speedy and satisfactory conclusion of his negotiation. While the event, depending upon unadjusted particulars, cannot be regarded as ascertained, it is agreeable to cherish the expectation of an issue which, securing amicably every essential interest of the United States, will at the same time lay the foundation of lasting harmony, with a power whose friendship we have uniformly and sincerely desired to cultivate.

Though not before officially disclosed to the House of Representatives, you, gentlemen, are all apprised, that a treaty of amity, commerce and navigation has been negotiated with Great Britain; and that the Senate have advised and consented to its ratification, upon a condition which excepts part of one article. Agreeably thereto,

and to the best judgment I was able to form of the public interest, after full and mature deliberation, I have added my sanction. The result, on the part of his Britannic majesty, is unknown. When received, the subject will without delay be placed before Congress.

This interesting summary of our affairs, with regard to foreign powers, between whom and the United States controversies have subsisted; and with regard also to those of our Indian neighbors with whom we have been in a state of emnity or misunderstanding, opens a wide field for consoling and gratifying reflections. If, by prudence and moderation on every side, the extinguishment of all causes of external discord, which have heretofore menaced our tranquillity, on terms compatible with our national rights and honor, shall be the happy result, how firm and how precious a foundation will have been laid for accelerating, maturing, and establishing the prosperity of our country!

Contemplating the internal situation as well as the external relations of the United States, we discover equal cause for contentment and satisfaction. While many of the nations of Europe, with their American dependencies, have been involved in a contest, unusually bloody, exhausting, and calamitous, in which the evils of foreign war have been aggravated by domestic convulsion and insurrection; in which many of the arts most useful to society have been exposed to discouragement and decay; in which scarcity of subsistence has embittered other sufferings; while even the anticipations of a return of the blessings of peace and repose are alloyed by the sense of heavy and accumulating burdens which press upon all the departments of industry, and threaten to clog the future springs of government, our favored country, happy in a striking contrast, has enjoyed general tranquillity the more satisfactory, because maintained at the expense of no duty. Faithful to ourselves, we have violated no obligation to others. Our agriculture, commerce, and manufactures prosper beyond example, the molestations of our trade (to prevent a continuance of which, however, very pointed remonstrances have been made) being overbalanced by the aggregate benefits which it derives from a

neutral position. Our population advances with a celerity which, exceeding the most sanguine calculations, proportionally augments our strength and resources, and guarantees our future security. Every part of the Union displays indications of rapid and various improvement; and with burdens so light as scarcely to be perceived; with resources fully adequate to our present exigencies; with governments founded on the genuine principles of rational liberty; and with mild and wholesome laws, is it too much to say that our country exhibits a spectacle of national happiness never surpassed, if ever before equalled?

Placed in a situation every way so auspicious, motives of commanding force impel us, with sincere acknowledgment to heaven and pure love to our country, to unite our efforts to preserve, prolong, and improve our immense advantages. To co-operate with you in this desirable work is a fervent and favorite wish of my heart.

It is a valuable ingredient in the general estimate of our welfare, that the part of our country which was lately the scene of disorder and insurrection, now enjoys the blessings of quiet and order. The misled have abandoned their errors, and pay the respect to our constitution and laws which is due from good citizens to the public authorities of the society. These circumstances have induced me to pardon, generally, the offenders here referred to, and to extend forgiveness to those who had been adjudged to capital punishment. For, though I shall always think it a sacred duty to exercise with firmness and energy the constitutional powers with which I am vested, yet it appears to me no less consistent with the public good than it is with my personal feelings, to mingle, in the operations of government, every degree of moderation and tenderness which the national justice, dignity, and safety may permit.

Gentlemen:

Among the objects which will claim your attention in the course of the session, a review of our military establishment is not the least important. It is called for by the events which have changed, and may be expected still further to change the relative situation of our frontiers.

In this review, you will doubtless allow due weight to the considerations that the questions between us and certain foreign powers are not yet finally adjusted; that the war in Europe is not yet terminated; and that our western posts, when recovered, will demand provision for garrisoning and securing them. A statement of our present military force will be laid before you by the department of war.

With the review of our army establishment is naturally connected that of the militia. It will merit inquiry, what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment in my estimation as to excite a constant solicitude that the consideration of it may be renewed, until the greatest attainable perfection shall be accomplished. Time is wearing away some of the advantages for forwarding the object, while none better deserves the persevering attention of the public councils.

While we indulge the satisfaction which the actual condition of our western borders so well authorises, it is necessary that we should not lose sight of an important truth which continually receives new confirmations, namely, that the provisions heretofore made with a view to the protection of the Indians from the violence of the lawless part of our frontier inhabitants are insufficient. It is demonstrated that these violences can now be perpetrated with impunity; and it can need no argument to prove, that, unless the murdering of Indians can be restrained by bringing the murderers to condign punishment, all the exertions of the government to prevent destructive retaliations by the Indians will prove fruitless, and all our present agreeable propects illusory. The frequent destruction of innocent women and children, who are chiefly he victims of retaliation, must continue to shock humanity; and an enormous expense to drain the treasury of the Union.

To enforce upon the Indians the observance of justice, it is indispensable that there shall be competent means of rendering justice to them. If these means can be devised by the wisdom of Congress, and especially if there can be added an adequate provision for supplying the ne-

cessities of the Indians on reasonable terms, (a measure the mention of which I the more readily repeat, as in all the conferences with them they urge it with solicitude,) I should not hesitate to entertain a strong hope of rendering our tranquillity permanent. I add, with pleasure, that the probability even of their civilization is not diminished by the experiments which have been thus far made under the auspices of government. The accomplishment of this work, if practicable, will reflect undecaying lustre on our national character, and administer the most grateful consolations that virtuous minds can know.

Gentlemen of the House of Representatives:

The state of our revenue, with the sums which have been borrowed and reimbursed, pursuant to different acts of Congress, will be submitted from the proper department, together with an estimate of the appropriations necessary to be made for the service of the ensuing year.

Whether measures may not be advisable to reinforce the provision for the redemption of the public debt, will naturally engage your examination. Congress have demonstrated their sense to be, and it were superfluous to repeat mine, that whatsoever will tend to accelerate the honorable extinction of our public debt, accords as much with the true interest of our country as with the general sense of our constituents.

Gentlemen of the Senate,
and House of Representatives:

The statements which will be laid before you relative to the mint, will show the situation of that institution, and the necessity of some further legislative provisions for carrying the business of it more completely into effect, and for checking abuses which appear to be arising in particular quarters.

The progress in providing materials for the frigates, and in building them; the state of the fortifications of our harbors; the measures which have been pursued for obtaining proper sites for arsenals, and for replenishing our magazines with military stores, and the steps which have been taken towards the execution of the law for

opening a trade with the Indians, will likewise be presented for the information of Congress.

Temperate discussion of the important subjects which may arise in the course of the session, and mutual forbearance where there is a difference of opinion, are too obvious and necessary for the peace, happiness, and welfare of our country to need any recommendation of mine.

EIGHTH ANNUAL ADDRESS,

DECEMBER 7, 1796.

Fellow-Citizens of the Senate,
and House of Representatives:

In recurring to the internal situation of our country since I had last the pleasure to address you, I find ample reason for a renewed expression of that gratitude to the Ruler of the universe, which a continued series of prosperity has so often and so justly called forth.

The acts of the last session, which required special arrangements, have been, as far as circumstances would admit, carried into operation.

Measures calculated to insure a continuance of the friendship of the Indians, and to preserve peace along the extent of our interior frontier, have been digested and adopted. In the framing of these, care has been taken to guard, on the one hand, our advanced settlements from the predatory incursions of those unruly individuals, who cannot be restrained by their tribes; and, on the other hand, to protect the rights secured to the Indians by treaty; to draw them nearer to the civilized state, and inspire them with correct conceptions of the power, as well as justice, of the government.

The meeting of the deputies from the Creek nation at Colerain, in the state of Georgia, which had for a principal object, the purchase of a parcel of their land by that state, broke up without its being accomplished; the nation having, previous to their departure, instructed them against making any sale; the occasion, however, has been

improved, to confirm, by a new treaty with the Creeks, their pre-existing engagements with the United States, and to obtain their consent to the establishment of trading-houses and military posts within their boundary; by means of which, their friendship and the general peace may be more effectually secured.

The period during the late session at which the appropriation was passed for carrying into effect the treaty of amity, commerce, and navigation between the United States and his Britannic majesty, necessarily procrastinated the reception of the posts stipulated to be delivered, beyond the date assigned for that event. As soon, however, as the Governor-general of Canada could be addressed with propriety on the subject, arrangements were cordially and promptly concluded for their evacuation, and the United States took possession of the principal of them, comprehending Oswego, Niagara, Detroit, Michilimackinac, and Fort Miami, where such repairs and additions have been ordered to be made as appeared indispensable.

The commissioners appointed on the part of the United States and of Great Britain to determine which is the river St. Croix, mentioned in the treaty of peace of 1783, agreed in the choice of Egbert Benson, Esq., of New York, for the third commissioner. The whole met at St. Andrews, in Passamaquoddy Bay, in the beginning of October, and directed surveys to be made of the rivers in dispute; but deeming it impracticable to have these surveys completed before the next year, they adjourned, to meet at Boston, in August, 1797, for the final decision of the question.

Other commissioners appointed on the part of the United States, agreeably to the seventh article of the treaty with Great Britain, relative to captures and condemnation of vessels and other property, met the commissioners of his Britannic majesty in London, in August last, when John Trumbull, Esq., was chosen by lot for the fifth commissioner. In October following, the board were to proceed to business. As yet, there has been no communication of commissioners on the part of Great Britain, to unite with those who had been appointed on the part

of the United States for carrying into effect the sixth article of the treaty.

The treaty with Spain required that the commissioners for running the boundary line between the territory of the United States and his Catholic majesty's provinces of East and West Florida, should meet at the Natchez, before the expiration of six months after the exchange of the ratifications, which was effected at Aranjuez on the 25th day of April, and the troops of his Catholic majesty, occupying any posts within the limits of the United States, were, within the same period, to be withdrawn. The commissioner of the United States, therefore, commenced his journey for the Natchez in September, and troops were ordered to occupy the posts from which the Spanish garrison should be withdrawn. Information has been recently received of the appointment of a commissioner on the part of his Catholic majesty for running the boundary line; but none of any appointment for the adjustment of the claims of our citizens whose vessels were captured by the armed vessels of Spain.

In pursuance of the act of Congress, passed in the last session, for the protection and relief of American seamen, agents were appointed, one to reside in Great Britain, and the other in the West Indies. The effects of the agency in the West Indies are not yet fully ascertained; but those which have been communicated afford grounds to believe the measure will be beneficial. The agent destined to reside in Great Britain declining to accept the appointment, the business has consequently devolved on the minister of the United States in London, and will command his attention until a new agent shall be appointed.

After many delays and disappointments, arising out of the European war, the final arrangements for fulfilling the engagements made to the dey and regency of Algiers will, in all present appearance, be crowned with success, but under great, though inevitable, disadvantages in the pecuniary transactions occasioned by that war, which will render further provision necessary. The actual liberation of all our citizens who were prisoners in Algiers, while it gratifies every feeling heart, is, itself, an earnest

of a satisfactory termination of the whole negotiation. Measures are in operation for effecting treaties with the regencies of Tunis and Tripoli.

To an active external commerce the protection of a naval force is indispensable. But, besides this, it is in our own experience that the most sincere neutrality is not a sufficient guard against the depredations of nations at war. To secure respect to a neutral flag, requires a naval force, organized and ready to vindicate it from insult or aggression. This may even prevent the necessity of going to war, by discouraging belligerent powers from committing such violations of the rights of the neutral party as may, first or last, leave no other option. From the best information I have been able to obtain, it would seem as if our trade to the Mediterranean, without a protecting force, will always be insecure, and our citizens exposed to the calamities from which numbers of them have just been relieved.

These considerations invite the United States to look to the means, and to set about the gradual creation of a navy. The increasing progress of their navigation promises them, at no distant period, the requisite supply of seamen; and their means, in other respects, favor the undertaking. It is an encouragement, likewise, that their particular situation will give weight and influence to a moderate naval force in their hands. Will it not, then, be advisable to begin, without delay, to provide and lay up the materials for the building and equipping of ships of war, and to proceed in the work by degrees, in proportion as our resources shall render it practicable without inconvenience, so that a future war of Europe may not find our commerce in the same unprotected state in which it was found by the present?

Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way which shall appear eligible. As a general rule, manufactures on public account are inexpedient; but where the state of things in a country leaves little hope that certain branches of manufacture will, for a great length of time,

obtain; when these are of a nature essential to the furnishing and equipping of the public force, in time of war, are not establishments for procuring them on public account, to the extent of the ordinary demand for the public service, recommended by strong considerations of national policy as an exception to the general rule? Ought our country to remain in such cases dependent on foreign supply, precarious, because liable to be interrupted? If the necessary article should, in this mode, cost more in time of peace, will not the security and independence thence arising form an ample compensation? Establishments of this sort, commensurate only with the calls of the public service in time of peace, will, in time of war, easily be extended in proportion to the exigences of the government, and may even perhaps be made to yield a surplus for the supply of our citizens at large, so as to mitigate the privation from the interruption of their trade. If adopted, the plan ought to exclude all those branches which are already, or likely soon to be, established in the country, in order that there may be no danger of interference with pursuits of individual industry.

It will not be doubted that, with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse. Among the means which have been employed to this end, none have been attended with greater success than the establishment of boards, composed of proper characters, charged with collecting and diffusing information, and enabled by premiums and small pecuniary aids to encourage and assist a spirit of discovery and improvement. This species of establishment contributes doubly to the increase of improvement, by stimulating to enterprise and experiment, and by drawing to a common centre the results, every where, of individual skill and observation, and spreading them thence over the whole nation. Experience, accordingly, has shown that they are very cheap instruments of immense national benefits.

I have heretofore proposed to the consideration of Congress the expediency of establishing a national university, and also a military academy. The desirableness of both these institutions has so constantly increased with every new view I have taken of the subject, that I cannot omit the opportunity, once for all, of recalling your attention to them.

The assembly to which I address myself is too enlightened not to be fully sensible how much a flourishing state of the arts and sciences contributes to national prosperity and reputation.

True it is that our country, much to its honor, contains many seminaries of learning, highly respectable and useful; but the funds upon which they rest are too narrow to command the ablest professors in the different departments of liberal knowledge, for the institution contemplated, though they would be excellent auxiliaries.

Amongst the motives to such an institution, the assimilation of the principles, opinions and manners of our countrymen, by the common education of a portion of our youth, from every quarter, well deserves attention. The more homogeneous our citizens can be made in these particulars, the greater will be our prospect of permanent union; and a primary object of such a national institution should be the education of our youth in the science of *government*. In a republic, what species of knowledge can be equally important? and what duty more pressing on its legislature than to patronize a plan for communicating it to those who are to be the future guardians of the liberties of the country?

The institution of a military academy is also recommended by cogent reasons. However pacific the general policy of a nation may be, it ought never to be without an adequate stock of military knowledge for emergencies. The first would impair the energy of its character, and both would hazard its safety, or expose it to greater evils, when war could not be avoided. Besides, that war might often not depend upon its own choice. In proportion as the observance of pacific maxims might exempt a nation from the necessity of practising the rules of the military art, ought to be its care in preserving and transmitting,

by proper establishments, the knowledge of that art. Whatever argument may be drawn from particular examples, superficially viewed, a thorough examination of the subject will evince that the art of war is at once comprehensive and complicated; that it demands much previous study; and that the possession of it in its most improved and perfect state, is always of great moment to the security of a nation. This, therefore, ought to be a serious care of every government; and for this purpose an academy, where a regular course of instruction is given, is an obvious expedient, which different nations have successfully employed.

The compensations to the officers of the United States, in various instances, and in none more than in respect to the most important stations, appear to call for legislative revision. The consequences of a defective provision are of serious import to the government. If private wealth is to supply the defect of public retribution, it will greatly contract the sphere within which the selection of character for office is to be made; and will, proportionally, diminish the probability of a choice of men, able as well as upright. Besides, that it would be repugnant to the vital principles of our government, virtually to exclude from public trusts, talents and virtue, unless accompanied by wealth.

While, in our external relations, some serious inconveniences and embarrassments have been overcome, and others lessened, it is with much pain and deep regret I mention that circumstances of a very unwelcome nature have lately occurred. Our trade has suffered and is suffering extensive injuries in the West Indies, from the cruisers and agents of the French republic; and communications have been received from its minister here, which indicate the danger of a further disturbance of our commerce by its authority; and which are, in other respects, far from agreeable.

It has been my constant, sincere, and earnest wish, in conformity with that of our nation, to maintain cordial harmony, and a perfect friendly understanding with that republic. This wish remains unabated; and I shall persevere in the endeavor to fulfil it to the utmost extent

of what shall be consistent with a just and indispensable regard to the rights and honor of our country; nor will I easily cease to cherish the expectation that a spirit of justice, candor, and friendship, on the part of the republic, will eventually insure success.

In pursuing this course, however, I cannot forget what is due to the character of our government and nation, or to a full and entire confidence in the good sense, patriotism, self-respect, and fortitude of my countrymen.

I reserve for a special message a more particular communication on this interesting subject.

Gentlemen of the House of Representatives:

I have directed an estimate of the appropriations, necessary for the service of the ensuing year, to be submitted from the proper department, with a view of the public receipts and expenditures to the latest period to which an account can be prepared.

It is with satisfaction I am able to inform you, that the revenues of the United States continue in a state of progressive improvement.

A reinforcement of the existing provisions for discharging our public debt was mentioned in my address at the opening of the last session. Some preliminary steps were taken towards it, the maturing of which will, no doubt, engage your zealous attention during the present session. I will only add, that it will afford me a heart-felt satisfaction to concur in such further measures as will ascertain to our country the prospect of a speedy extinguishment of the debt. Posterity may have cause to regret if, from any motive, intervals of tranquillity are left unimproved for accelerating this valuable end.

Gentlemen of the Senate,
and House of Representatives:

My solicitude to see the militia of the United States placed on an efficient establishment has been so often and so ardently expressed, that I shall but barely recall the subject to your view on the present occasion; at the same time that I shall submit to your inquiry, whether our harbors are yet sufficiently secured.

The situation in which I now stand, for the last time, in the midst of the Representatives of the people of the United States, naturally recalls the period when the administration of the present form of government commenced; and I cannot omit the occasion to congratulate you and my country on the success of the experiment; nor to repeat my fervent supplications to the Supreme Ruler of the universe and sovereign Arbiter of nations, that his providential care may still be extended to the United States; that the virtue and happiness of the people may be preserved; and that the government which they have instituted for the protection of their liberties may be perpetual.

PROCLAMATION,

APRIL 22, 1793.

Whereas, it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherland of the one part, and France on the other—and the duty and interests of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial towards the belligerent powers.

I have therefore thought fit, by these presents, to declare the disposition of the United States to observe the conduct aforesaid towards those powers respectively; and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever, which may, in any manner, tend to contravene such disposition.

And I do hereby also make known, that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations, by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations, will not receive the protection of the United States against such punishment of forfeiture; and

further, that I have given instructions to those officers, to whom it belongs, to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the laws of nations, with respect to the powers at war, or any of them.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the 22d day of April, one thousand, seven hundred and ninety-three, and of the independence of the United States of America the seventeenth.

GEORGE WASHINGTON.

PROCLAMATION,

AUGUST 7, 1794.

Whereas combinations to defeat the execution of the laws laying duties upon spirits distilled within the United States, and upon stills, have from the time of the commencement of those laws existed in some of the western parts of Pennsylvania: And whereas the said combinations, proceeding in a manner subversive equally of the just authority of government and of the rights of individuals, have hitherto effected their dangerous and criminal purpose by the influence of certain irregular meetings, whose proceedings have tended to encourage and uphold the spirit of opposition by misrepresentations of the laws calculated to render them odious; by endeavors to deter those, who might be so disposed, from accepting offices under them, through fear of public resentments and of injury to person and property—and to compel those who had accepted such offices by actual violence to surrender or forbear the execution of them; by circulating vindictive measures against all who should otherwise directly or indirectly aid in the execution of the said laws, or who, yielding to the dictates of conscience and to a sense of obligation, should themselves comply therewith, by actually injuring and destroying the pro-

perty of persons who were understood to have so complied; by inflicting cruel, humiliating punishments upon private citizens for no other cause than that of appearing to be the friends of the laws; by interrupting the public officers on the highways, abusing, assaulting, and otherwise ill treating them; by going to their houses in the night, gaining admittance by force, taking away their papers, and committing other outrages; employing for these unwarrantable purposes the agency of armed banditti, disguised in such a manner as for the most part to escape discovery; and whereas the endeavors of the legislature to obviate objections to the said laws by lowering the duties, and by other alterations conducive to the convenience of those whom they immediately affected, (though they have given satisfaction in other quarters,) and the endeavors of the executive officers to conciliate a compliance with the laws by expostulation, by forbearance, and even by recommendations founded on the suggestion of local considerations, have been disappointed of their effect by the machinations of persons whose industry to excite resistance has increased with the appearance of a disposition among the people to relax in their opposition and to acquiesce in the laws; insomuch that many persons in the said western parts of Pennsylvania have been hardy enough to perpetrate acts which I am advised amount to treason, being overt acts of levying war against the United States; the said persons, having, on the 16th and 17th of July last, proceeded in arms (on the second day amounting to several hundred) to the house of John Neville, inspector of the revenues for the fourth survey of the districts of Pennsylvania, having repeatedly attacked the said house with the persons therein, wounding some of them; having seized David Lennox, marshal of the district of Pennsylvania, who previously thereto had been fired upon while in the execution of his duty by a party of men detaining him for some time prisoner, till, for the preservation of his life and obtaining of his liberty, he found it necessary to enter into stipulations to forbear the execution of certain official duties touching processes issuing out of a court of the United States—and having finally obliged the said

inspector of the revenue and the marshal, from considerations of personal safety, to fly from this part of the country, in order by a circuitous route to proceed to the seat of government; avowing, as the motives of these outrageous proceedings, an intention to prevent by force of arms the execution of the said laws, to oblige the said inspector of the revenue to renounce his office, to withstand by open violence the lawful authority of the government of the United States, and to compel thereby an alteration in the measures of the legislature, and a repeal of the laws aforesaid:—*And whereas*, by a law of the United States, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," it is enacted, "that whenever the laws of the United States shall be opposed or the execution thereof obstructed in any state by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by that act, the same being notified by an associate justice or the district judges, it shall be lawful for the President of the United States to call forth the militia of said state to suppress such combinations, and to cause the laws to be duly executed. And if the militia of a state where such combinations may happen, shall refuse or shall be insufficient to suppress the same, it shall be lawful for the President, if the legislature of the United States shall not be in session, to call forth and employ such numbers of the militia of any other state or states most convenient thereto as may be necessary, and the use of the militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session. *Provided always*, that whenever it may be necessary in the judgment of the President to use the military force, hereby directed to be called forth, the President shall forthwith, and previous thereto, by proclamation, command such insurgents to disperse, retire peaceably to their respective abodes within a limited time:"—*And whereas* James Wilson, an associate justice, on the fourth instant, by writing under his hand, did, from evidence which had been laid before him, notify to me that "in

the counties of Washington and Alleghany, in Pennsylvania, the laws of the United States are opposed, and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal of that district."

And whereas it is in my judgment necessary, under the circumstances of the case, to take measures for calling forth the militia, in order to suppress the combination aforesaid, and to cause the laws to be duly executed, I have accordingly determined so to do, feeling the deepest regret for the occasion, but withal the most solemn conviction that the essential interests of the Union demand it, that the very existence of government and the fundamental principles of social order are materially involved in the issue, and that the patriotism and firmness of all good citizens are seriously called upon, as occasion may require, to aid in the effectual suppression of so fatal a spirit.

Wherefore, and in pursuance of the provision above recited, I, GEORGE WASHINGTON, President of the United States, do hereby command all persons, being insurgents as aforesaid, and all others whom it may concern, on or before the first day of September next, to disperse and return peaceably to their respective abodes. And I do moreover warn all persons whomsoever against aiding, abetting, or comforting the perpetrators of the aforesaid treasonable acts: And do require all officers and other citizens, according to their respective duties and the law of the land, to exert their utmost endeavors to prevent and suppress such dangerous proceedings.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the seventh day of August, one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

GEORGE WASHINGTON.

PROCLAMATION,

SEPTEMBER 25, 1794.

Whereas, from a hope that the combination against the constitution and laws of the United States, in certain of the western counties of Pennsylvania, would yield to time and reflection, I thought it sufficient in the first instance rather to *take measures* for calling forth the militia, than immediately to embody them; but the moment is now come when the overtures of forgiveness, with no other condition than a submission to law, have been only partially accepted; when every form of conciliation, not inconsistent with the being of government, has been adopted without effect; when the well-disposed in those counties are unable by their influence and example to reclaim the wicked from their fury, and are compelled to associate in their own defence; when the proffered lenity has been perversely misinterpreted into an apprehension that the citizens will march with reluctance; when the opportunity of examining the serious consequences of a treasonable opposition has been employed in propagating principles of anarchy; endeavoring through emissaries to alienate the friends of order from its support, and inviting its enemies to perpetrate similar acts of insurrection; when it is manifest that violence would continue to be exercised upon every attempt to enforce the laws; when, therefore, government is set at defiance, the contest being whether a small portion of the United States shall dictate to the whole Union, and, at the expense of those who desire peace, indulge a desperate ambition.

Now, therefore, I, GEORGE WASHINGTON, President of the United States, in obedience to that high and irresistible duty consigned to me by the constitution, "to take care that the laws be faithfully executed;" deploring that the American name should be sullied by the outrages of citizens on their own government; commiserating such as remain obstinate from delusion, but resolved, in perfect reliance on that gracious Providence which so signally displays its goodness towards this country, to reduce the

refractory to a due subordination to the laws; do hereby declare and make known, that with a satisfaction which can be equalled only by the merits of the militia summoned into service from the states of New Jersey, Pennsylvania, Maryland, and Virginia, I have received intelligence of their patriotic alacrity in obeying the call of the present, though painful, yet commanding necessity; that a force, which, according to every reasonable expectation, is adequate to the exigency, is already in motion to the scene of disaffection; that those who have confided or shall confide in the protection of government shall meet full succor under the standard and from the arms of the United States; that those who, having offended against the laws, have since entitled themselves to indemnity, will be treated with the most liberal good faith, if they shall not have forfeited their claim by any subsequent conduct, and that instructions are given accordingly.

And I do moreover exhort all individuals, officers, and bodies of men to contemplate with abhorrence the measures leading directly or indirectly to those crimes which produce this resort to military coercion; to check, in their respective spheres, the efforts of misguided or designing men, to substitute their misrepresentation in the place of truth, and their discontents in the place of stable government.

And lastly, I again warn all persons whomsoever and wheresoever, not to abet, aid, or comfort the insurgents aforesaid, as they will answer the contrary at their peril; and I do also require all officers and other citizens, as far as may be in their power, to bring under the cognizance of the laws all offenders in the premises.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the twenty-fifth day of September, one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

GEORGE WASHINGTON.

SPECIAL MESSAGE,

MARCH 30, 1796.

Gentlemen of the House of Representatives:

With the utmost attention I have considered your resolution of the twenty-fourth instant, requesting me to lay before your House a copy of the instructions to the minister of the United States who negotiated the treaty with the king of Great Britain, together with the correspondence and other documents relative to that treaty, excepting such of the said papers as any existing negotiation may render improper to be disclosed.

In deliberating upon this subject, it was impossible for me to lose sight of the principle, which some have avowed in its discussion, or to avoid extending my views to the consequences which must flow from the admission of that principle.

I trust that no part of my conduct has ever indicated a disposition to withhold any information which the constitution has enjoined upon the President as a duty to give, or which could be required of him by either House of Congress as a right; and with truth I affirm, that it has been, as it will continue to be, while I have the honor to preside in the government, my constant endeavor to harmonize with the other branches thereof, so far as the trust delegated to me by the people of the United States and my sense of the obligation it imposes to "preserve, protect, and defend the constitution," will permit.

The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to a conclusion, a full disclosure of all the measures, demands, or eventual concessions, which may have been proposed or contemplated, would be extremely impolitic; for this might have a pernicious influence on future negotiations, or produce immediate inconveniences; perhaps danger and mischief, in relation to other powers. The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate; the principle on which that body was formed

confining it to a small number of members. To admit, then, a right in the House of Representatives to demand, and to have, as a matter of course, all the papers respecting a negotiation with a foreign power, would be to establish a dangerous precedent.

It does not occur that the inspection of the papers asked for, can be relative to any purpose under the cognizancé of the House of Representatives, except that of an impeachment, which the resolution has not expressed. I repeat that I have no disposition to withhold any information which the duty of my station will permit, or the public good shall require to be disclosed; and, in fact, all the papers affecting the negotiation with Great Britain were laid before the Senate, when the treaty itself was communicated for their consideration and advice.

The course which the debate has taken, on the resolution of the House, leads to some observations on the mode of making treaties under the constitution of the United States.

Having been a member of the general convention, and knowing the principles on which the constitution was formed, I have ever entertained but one opinion on this subject; and from the first establishment of the government to this moment, my conduct has exemplified that opinion, that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two thirds of the Senators present concur; and that every treaty so made and promulgated, thenceforward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations: and in all the treaties made with them, *we* have declared, and *they* have believed, that, when ratified by the President, with the advice and consent of the Senate, they became obligatory. In this construction of the constitution, every House of Representatives has heretofore acquiesced; and until the present time not a doubt or suspicion has appeared, to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced: for, till now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect.

There is also reason to believe that this construction agrees with the opinions entertained by the state conventions, when they were deliberating on the constitution, especially by those who objected to it; because there was not required, in *commercial treaties*, the consent of two thirds of the whole number of the members of the Senate, instead of two thirds of the Senators present: and because, in treaties respecting territorial and certain other rights and claims, the concurrence of three fourths of the whole number of the members of both Houses, respectively, was not made necessary.

It is a fact, declared by the general convention, and universally understood, that the constitution of the United States was the result of a spirit of amity and mutual concession. And it is well known that, under this influence, the smaller states were admitted to an equal representation in the Senate with the larger states; and that this branch of the government was invested with great powers: for, on the equal participation of those powers, the sovereignty and political safety of the smaller states were deemed essentially to depend.

If other proofs than these, and the plain letter of the constitution itself, be necessary to ascertain the point under consideration, they may be found in the journals of the general convention, which I have deposited in the office of the department of state. In those journals, it will appear that a proposition was made, "that no treaty should be binding on the United States which was not ratified by a law;" and that the proposition was explicitly rejected.

As, therefore, it is perfectly clear to my understanding, that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of the government, that the boundaries fixed by the constitution between the different departments should be preserved; a just regard to the constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request.

JOHN ADAMS.

Born Oct. 20. 1735 In. 1797 Obt. July 4. 1826 Æ. 91.

JOHN ADAMS.

JOHN ADAMS, who had the distinguished honor of succeeding the illustrious Washington in the Presidency of the United States, was born at Quincy, Mass., then a part of the ancient town of Braintree, on the 19th of October, (O. S.) 1735. Discovering a strong taste for reading, at an early age, his father took great care to provide for his education. He accordingly became a member of Harvard College, where he graduated in 1755. At the close of his college career, he was for a time employed in instructing a common school, but soon commenced the study of law, in the office of Samuel Putnam, an eminent barrister at Worcester. By him he was introduced to Jeremiah Gridley, a lawyer of the first distinction, at that time attorney-general of Massachusetts. From the first interview they were friends, and Gridley took him at once into favor, and procured his admission to the bar. Soon after, with an air of mystery he led his young friend to a private chamber, and pointing to a book case, said, "Sir, there is the secret of my eminence, and you may avail yourself of it as you please." In this place Mr. Adams labored night and day till he made himself master of the civil code.

With a mind naturally inclined to political speculations, the propensity was naturally strengthened within him by the exciting character of the times. The first sparks of revolution were already breaking forth from the masses of our people, and even at the age of twenty years, Mr. Adams seems to have foreseen the great things that were

in reserve for the country. In 1755, while a resident at Worcester, he wrote a letter of which the following is an exstract. "Soon after the Reformation, a few people came over into this new world for conscience sake: perhaps this apparently trivial incident may transfer the great seat of empire into America. It looks likely to me; for if we can remove the turbulent Gallicks, our people, according to the exactest computations, will in another century become more numerous than England itself. Should this be the case, since we have, I may say, all the naval stores of the nation in our hands, it will be easy to obtain a mastery of the seas, and the united force of all Europe will not be able to subdue us." There is something remarkable in this prophetic language, coming from so young a man, and at so early a period in our country's history. It is still more remarkable that he should have lived to see his predictions fulfilled, and to act a prominent part in the events which led to their fulfilment.

In 1766, Mr. Adams, having already risen to great eminence in his profession, removed to Boston. Here he became one of the associates of Otis, Hancock, Samuel Adams, and others, in resistance to the arbitrary measures of the government. His great abilities attracted attention, and the English governor, Barnard, tried to detach him from the cause he had espoused, by tendering him the lucrative office of advocate-general in the court of admiralty. But he rejected the proposition with promptness, choosing rather to expose to hazard his life and prospects, than give up his integrity. Mr. Adams was a member of all the revolutionary conventions in his native state, and was elected a delegate to the first Continental Congress. The second Congress convened at Philadelphia, in May, 1775. It became necessary to appoint a leader for the contest, to command the armies

of the Revolution. The influence of Mr. Adams did much towards securing the services of George Washington in that important station.

Mr. Adams, having once enlisted in the great contest, favored no half-way measures, but went boldly for independence. He aided in drafting the Declaration, and, "sink or swim, live or die, survive or perish," pledged his hand and his heart to the maintenance of its principles.

In alluding to its adoption by Congress, in a letter to his wife he thus expressed his feelings on that important occasion. "The day is passed. The 4th of July, 1776, will be a memorable epoch in the history of America. I am apt to believe it will be celebrated by succeeding generations as a great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to Almighty God. It ought to be solemnized with pomp, shows, games, sports, guns, bells, bonfires, and illuminations, from one end of the continent to the other. You will think me transported with enthusiasm; but I am not. I am well aware of the toil and blood and treasure that it will cost to maintain this declaration, and support and defend these states; yet, through all the gloom, I can see the rays of future light and glory."

In December, 1777, Mr. Adams was appointed commissioner to France; but the principal object of his mission having been accomplished by Dr. Franklin, he returned in the summer of 1779. He assisted in forming the first constitution of Massachusetts. He was appointed minister to England, and afterwards to Holland; and Congress at one time invested him with general plenipotentiary powers to half the European kingdoms.

He negotiated peace with Great Britain, and was the first American minister accredited at the English court. After an absence in Europe of eight years, he returned to the United States; and in 1788, was elected vice-president of the United States. He was again elected to the same office in 1792. He succeeded Washington as President, on the 4th of March, 1797, and remained one term in office. His administration was marked by some faults, which it would be useless to attempt to disguise. He was naturally jealous, and impatient under the scrutiny of the party opposed to him. The Alien and Sedition laws, the one arming him with power to banish at pleasure every foreigner who should land on our shores, the other empowering him to drag his fellow-citizens before prejudiced and partisan courts, for a free expression of their opinions in relation to his acts,—were the natural results of these traits in his character, and of that inclination to strong and perhaps arbitrary forms of government, which always characterized more or less his opinions and his public acts, and which seemed to have been strengthened and confirmed by his protracted visit to Europe, and his association with the monarchical institutions and circles with which he was there brought in contact. Great as were his patriotic services during the war of the Revolution, and deep and lasting as is, and must ever be, the debt of gratitude due him from his countrymen for those services, it is probably no injustice to the memory of this great man to say, that before and during that war, he looked rather to *independence* than *republicanism*, and that the animating motive of his efforts was not so much a desire to establish a government essentially differing from that of England, for whose institutions he entertained during life a strong and increasing partiality, as

to obtain exemption from her arbitrary control, and a separate and independent national existence.

Upon the election of Jefferson, in 1801, he retired to his paternal seat in Quincy; and, with the exception of taking his seat and participating in the doings of the convention of 1820 to revise the constitution of his native state, he passed the remainder of his days in the ease and quiet of private life. He died on the 4th of July, 1826, just fifty years after the declaration of independence, in the ninety-second year of his age. On the morning of that day, though unable to rise from his bed, when asked to suggest a toast suited to its celebration, his mind glanced back to the time on which, just fifty years before, he had signed the Declaration of Independence, and arousing for a moment, he gave as a sentiment, "Independence forever!" That noble and characteristic sentiment had passed scarcely eight hours from his lips, when his spirit passed away forever. It was thus his singular fortune to close his earthly career on the fiftieth anniversary of an event to which his early efforts had so essentially contributed.

SPECIAL SESSION MESSAGE.

MAY 16, 1797.

Fellow-Citizens of the Senate,
and House of Representatives:

The personal inconveniencies to the members of the Senate and of the House of Representatives, in leaving their families and private affairs at this season of the year, are so obvious, that I the more regret the extraordinary

occasion which has rendered the convention of Congress indispensable.

It would have afforded me the highest satisfaction to have been able to congratulate you on a restoration of peace to the nations of Europe whose animosities have endangered our tranquillity. But we have still abundant cause of gratitude to the Supreme Dispenser of national blessings, for general health and promising seasons; for domestic and social happiness; for the rapid progress and ample acquisitions of industry through extensive territories; for civil, political, and religious liberty. While other states are desolated with foreign war, or convulsed with intestine divisions, the United States present the pleasing prospect of a nation governed by mild and equal laws, generally satisfied with the possession of their rights; neither envying the advantages, nor fearing the power, of other nations; solicitous only for the maintenance of order and justice, and the preservation of liberty; increasing daily in their attachment to a system of government in proportion to their experience of its utility; yielding a ready and general obedience to laws flowing from the reason, and resting on the only solid foundation, the affections of the people.

It is with extreme regret that I shall be obliged to turn your thoughts to other circumstances, which admonish us that some of these felicities may not be lasting. But, if the tide of our prosperity is full, and a reflux commencing, a vigilant circumspection becomes us, that we may meet our reverses with fortitude, and extricate ourselves from their consequences with all the skill we possess and all the efforts in our power.

In giving to Congress information of the state of the Union, and recommending to their consideration such measures as appear to me to be expedient or necessary, according to my constitutional duty, the causes and the object of the present extraordinary session will be explained.

After the President of the United States received information that the French government had expressed serious discontents at some proceedings of the government of these states, said to affect the interests of France, he

thought it expedient to send to that country a new minister, fully instructed to enter on such amicable discussions, and to give such candid explanations, as might happily remove the discontents and suspicions of the French government, and vindicate the conduct of the United States. For this purpose he selected, from among his fellow-citizens, a character whose integrity, talents, experience, and services had placed him in the rank of the most esteemed and respected in the nation. The direct object of his mission was expressed in his letter of credence to the French republic; being "to maintain that good understanding, which, from the commencement of the alliances, had subsisted between the two nations; and to efface unfavorable impressions, banish suspicions, and restore that cordiality which was at once the evidence and pledge of a friendly union." And his instructions were to the same effect, "faithfully to represent the disposition of the government and people of the United States, their disposition being one, to remove jealousies and obviate complaints, by showing that they were groundless, to restore that mutual confidence which had been so unfortunately and injuriously impaired, and to explain the relative interests of both countries, and the real sentiments of his own."

A minister thus specially commissioned, it was expected, would have proved the instrument of restoring mutual confidence between the two republics. The first step of the French government corresponded with that expectation. A few days before his arrival at Paris, the French minister of foreign relations informed the American minister, then resident at Paris, of the formalities to be observed by himself in taking leave, and by his successor preparatory to his reception. These formalities they observed, and on the ninth of December presented officially to the minister of foreign relations, the one a copy of his letters of recall, the other a copy of his letters of credence.

These were laid before the executive directory. Two days afterwards, the minister of foreign relations informed the recalled American minister, that the executive directory had determined not to receive another minister ple-

nipotentiary from the United States until after the redress of grievances demanded of the American government, and which the French republic had a right to expect from it. The American minister immediately endeavored to ascertain whether, by refusing to receive him, it was intended that he should retire from the territories of the French republic; and verbal answers were given that such was the intention of the directory. For his own justification he desired a written answer, but obtained none until towards the last of January, when, receiving notice in writing to quit the territories of the republic, he proceeded to Amsterdam, where he proposed to wait for instruction from this government. During his residence at Paris, cards of hospitality were refused him, and he was threatened with being subjected to the jurisdiction of the minister of the police; but, with becoming firmness, he insisted on the protection of the law of nations, due to him as the known minister of a foreign power. You will derive further information from his despatches, which will be laid before

As it is often necessary that nations should treat, for the mutual advantage of their affairs, and especially to accommodate and terminate differences; and as they can treat only by ministers, the right of embassy is well known and established by the law and usage of nations. The refusal on the part of France to receive our minister, is then the denial of a right; but the refusal to receive him until we have acceded to their demands, without discussion and without investigation, is to treat us neither as allies, nor as friends, nor as a sovereign state.

With this conduct of the French government, it will be proper to take into view the public audience given to the late minister of the United States, on his taking leave of the executive directory. The speech of the president discloses sentiments more alarming than the refusal of a minister, because more dangerous to our independence and union, and at the same time studiously marked with indignities towards the government of the United States. It evinces a disposition to separate the people of the United States from the government; to persuade them that they have different affections, principles, and interests,

from those of their fellow-citizens whom they themselves have chosen to manage their common concerns; and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall convince France and the world that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honor, character, and interest.

I should have been happy to have thrown a veil over these transactions if it had been possible to conceal them; but they have passed on the great theatre of the world, in the face of all Europe and America, and with such circumstances of publicity and solemnity that they cannot be disguised, and will not soon be forgotten; they have inflicted a wound on the American breast; it is my sincere desire, however, that it may be healed.

It is my desire, and in this I presume I concur with you and with our constituents, to preserve peace and friendship with all nations; and believing that neither the honor nor the interest of the United States absolutely forbid the repetition of advances for securing these desirable objects with France, I shall institute a fresh attempt at negotiation, and shall not fail to promote and accelerate an accommodation, on terms compatible with the rights, duties, interests, and honor of the nation. If we have committed errors, and these can be demonstrated, we shall be willing to correct them. And equal measures of justice we have a right to expect from France and every other nation.

The diplomatic intercourse between the United States and France being at present suspended, the government has no means of obtaining official information from that country; nevertheless, there is reason to believe that the executive directory passed a decree on the second of March last, contravening, in part, the treaty of amity and commerce of one thousand seven hundred and seventy-eight, injurious to our lawful commerce and endangering the lives of our citizens. A copy of this decree will be laid before you.

While we are endeavoring to adjust all our differences

with France, by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and the general complexion of affairs, render it my indispensable duty to recommend to your consideration effectual measures of defence.

The commerce of the United States has become an interesting object of attention, whether we consider it in relation to the wealth and finances, or the strength and resources of the nation. With a seacoast of near two thousand miles in extent, opening a wide field for fisheries, navigation, and commerce, a great portion of our citizens naturally apply their industry and enterprise to those objects. Any serious and permanent injury to commerce would not fail to produce the most embarrassing disorders; to prevent it from being undermined and destroyed, it is essential that it receive an adequate protection.

The naval establishment must occur to every man who considers the injuries committed on our commerce, and the insults offered to our citizens, and the description of the vessels by which these abuses have been practised. As the sufferings of our mercantile and sea-faring citizens cannot be ascribed to the omission of duties demandable, considering the neutral situation of our country, they are to be attributed to the hope of impunity, arising from a supposed inability on our part to afford protection. To resist the consequences of such impressions on the minds of foreign nations, and to guard against the degradation and servility which they must finally stamp on the American character, is an important duty of government.

A naval power, next to the militia, is the natural defence of the United States. The experience of the last war would be sufficient to show, that a moderate naval force, such as would be easily within the present abilities of the Union, would have been sufficient to have baffled many formidable transportations of troops from one state to another, which were then practised. Our seacoasts, from their great extent, are more easily annoyed, and more easily defended by a naval force than any other. With all the materials our country abounds. In skill, our

naval architects and navigators are equal to any; and commanders and seamen will not be wanting.

But, although the establishment of a permanent system of naval defence appears to be requisite, I am sensible it cannot be formed so speedily and extensively as the present crisis demands. Hitherto I have thought proper to prevent the sailing of armed vessels, except on voyages to the East Indies, where general usage and the danger from pirates appeared to render the permission proper. Yet the restriction has originated solely from a wish to prevent collisions with the powers at war, contravening the act of Congress of June, one thousand seven hundred ninety-four, and not from any doubt entertained by me of the policy and propriety of permitting our vessels to employ means of defence, while engaged in a lawful foreign commerce. It remains for Congress to prescribe such regulations as will enable our sea-faring citizens to defend themselves against violations of the law of nations, and, at the same time, restrain them from committing acts of hostility against the powers at war. In addition to this voluntary provision for defence by individual citizens, it appears to me necessary to equip the frigates, and provide other vessels of inferior force, to take under convoy such merchant vessels as shall remain unarmed.

The greater part of the cruisers, whose depredations have been most injurious, have been built, and some of them partially equipped in the United States. Although an effectual remedy may be attended with difficulty, yet I have thought it my duty to present the subject generally to your consideration. If a mode can be devised by the wisdom of Congress to prevent the resources of the United States from being converted into the means of annoying our trade, a great evil will be prevented. With the same view, I think it proper to mention that some of our citizens, residents abroad, have fitted out privateers, and others have voluntarily taken the command, or entered on board of them, and committed spoliations on the commerce of the United States. Such unnatural and iniquitous practices can be restrained only by severe punishments.

But, besides a protection of our commerce on the seas,

I think it highly necessary to protect it at home, where it is collected in our most important ports. The distance of the United States from Europe, and the well-known promptitude, ardor, and courage of the people, in defence of their country, happily diminish the probability of invasion; nevertheless, to guard against sudden and predatory incursions, the situation of some of our principal seaports demands your consideration; and, as our country is vulnerable in other interests besides those of its commerce, you will seriously deliberate whether the means of general defence ought not to be increased by an addition to the regular artillery and cavalry, and by arrangements for forming a provisional army.

With the same view, and as a measure which, even in time of universal peace, ought not to be neglected, I recommend to your consideration a revision of the laws for organizing, arming, and the disciplining the militia, to render that natural and safe defence of the country efficacious.

Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it if we can; yet to affect this separation, early, punctual, and continual information of the current chain of events, and of the political projects in contemplation is no less necessary than if we were directly concerned in them. It it necessary in order to the discovery of the efforts made to draw us into the vortex, in season to make preparations against them. However we may consider ourselves, the maritime and commercial powers of the world will consider the United States of America as forming a weight in that balance of power in Europe which can never be forgotten or neglected. It would not only be against our interest, but it would be doing wrong to one half of Europe at least, if we should voluntarily throw ourselves into either scale. It is a natural policy for a nation that studies to be neutral, to consult with other nations engaged in the same studies and pursuits. At the same time that measures ought to be pursued with this view, our treaties with Prussia and Sweden, one of which is expired, and the other near expiring, might be renewed.

Gentlemen of the House of Representatives:

It is particularly your province to consider the state of the public finances, and to adopt such measures respecting them as exigences shall be found to require. The preservation of public credit, the regular extinguishment of the public debt, and a provision of funds to defray any extraordinary expenses, will of course call for your serious attention. Although the imposition of new burdens cannot be, in itself, agreeable, yet there is no ground to doubt that the American people will expect from you such measures as their actual engagements, their present security and future interests demand.

Gentlemen of the Senate,
and House of Representatives:

The present situation of our country imposes an obligation on all the departments of government to adopt an explicit and decided conduct. In my situation, an exposition of the principles by which my administration will be governed ought not to be omitted.

It is impossible to conceal from ourselves or the world what has been before observed, that endeavors have been employed to foster and establish a division between the government and people of the United States. To investigate the causes which have encouraged this attempt, is not necessary. But to repel by decided and united councils insinuations so derogatory to the honor, and aggressions so dangerous to the constitution, union, and even independence of the nation, is an indispensable duty.

It must not be permitted to be doubted whether the people of the United States will support the government established by their voluntary consent, and appointed by their free choice, or whether, by surrendering themselves to the direction of foreign and domestic factions, in opposition to their own government, they will forfeit the honorable station they have hitherto maintained.

For myself, having never been indifferent to what concerned the interests of my country; devoted the best part of my life to obtain and support its independence; and constantly witnessed the patriotism, fidelity, and perseverance of my fellow-citizens on the most trying occasions,

it is not for me to hesitate or abandon a cause in which my heart has been so long engaged.

Convinced that the conduct of the government has been just and impartial to foreign nations; that those internal regulations which have been established by law for the preservation of peace are in their nature proper, and that they have been fairly executed, nothing will ever be done by me to impair the national engagements, to innovate upon principles which have been so deliberately and uprightly established, or to surrender, in any manner, the rights of the government. To enable me to maintain this declaration, I rely, under God, with entire confidence on the firm and enlightened support of the national legislature, and upon the virtue and patriotism of my fellow-citizens.

SPECIAL MESSAGE,

FEBRUARY 5, 1798.

Gentlemen of the Senate,
and House of Representatives:

I have received a letter from his excellency Charles Pinckney, Esq., governor of the state of South Carolina, dated the 22d of October, 1797, enclosing a number of depositions of witnesses to several captures and outrages committed within and near the limits of the United States, by a French privateer, belonging to Cape Francois or Monte Christo, called the Vertitude or Fortitude, and commanded by a person of the name of Jordan or Jourdain, and particularly upon an English merchant ship named the Oracabissa, which he first plundered and then burned, with the rest of her cargo, of great value, within the territory of the United States, in the harbor of Charleston, on the 17th of October last; copies of which letter and depositions, and also of several other depositions relative to the same subject received from the collector of Charleston, are herewith communicated.

Whenever the channel of diplomatic communication

between the United States and France shall be opened, I shall demand satisfaction for the insult, and reparation for the injury.

I have transmitted those papers to Congress, not so much for the purpose of communicating an account of so daring a violation of the territory of the United States, as to show the propriety and necessity of enabling the executive authority of government to take measures for protecting the citizens of the United States, and such foreigners as have a right to enjoy their peace, and the protection of their laws, within their limits, in that as well as some other harbors which are equally exposed.

SPECIAL MESSAGE,

MARCH 19, 1798.

Gentlemen of the Senate,
and House of Representatives:

The despatches from the envoys extraordinary of the United States to the French republic, which were mentioned in my message to both Houses of Congress of the 5th instant, have been examined and maturely considered.

While I feel a satisfaction in informing you, that their exertions for the adjustment of the differences between the two nations have been sincere and unremitted, it is incumbent on me to declare, that I perceive no ground of expectation that the objects of their mission can be accomplished on terms compatible with the safety, honor, or the essential interests of the nation.

This result cannot, with justice, be attributed to any want of moderation on the part of this government, or to any indisposition to forego secondary interests for the preservation of peace. Knowing it to be my duty, and believing it to be your wish, as well as that of the great body of the people, to avoid, by all reasonable concessions,

any participation in the contentions of Europe, the powers vested in our envoys were commensurate with a liberal and pacific policy, and that high confidence which might justly be reposed in the abilities, patriotism, and integrity of the characters to whom the negotiation was committed. After a careful review of the whole subject, with the aid of all the information I have received, I can discern nothing which could have insured or contributed to success, that has been omitted on my part, and nothing further which can be attempted, consistently with maxims for which our country has contended at every hazard, and which constitute the basis of our national sovereignty.

Under these circumstances, I cannot forbear to reiterate the recommendations which have been formerly made, and to exhort you to adopt, with promptitude, decision and unanimity, such measures as the ample resources of the country afford for the protection of our sea-faring and commercial citizens; for the defence of any exposed portions of our territory; for replenishing our arsenals; establishing founderies and military manufactories; and to provide such efficient revenue as will be necessary to defray extraordinary expenses, and supply the deficiencies which may be occasioned by depredations on our commerce.

The present state of things is so essentially different from that in which instructions were given to the collectors to restrain vessels of the United States from sailing in an armed condition, that the principle on which those orders were issued has ceased to exist. I therefore deem it proper to inform Congress, that I no longer feel myself justifiable in continuing them, unless in particular cases, where there may be reasonable ground of suspicion that such vessels are intended to be employed contrary to law.

In all your proceedings, it will be important to manifest a zeal, vigor, and concert, in defence of the national rights, proportioned to the danger with which they are threatened.

SECOND ANNUAL ADDRESS,

DECEMBER 8, 1798.

Gentlemen of the Senate,
and of the House of Representatives:

While with reverence and resignation we contemplate the dispensations of divine Providence, in the alarming and destructive pestilence with which several of our cities and towns have been visited, there is cause for gratitude and mutual congratulations that the malady has disappeared, and that we are again permitted to assemble in safety at the seat of government for the discharge of our important duties. But when we reflect that this fatal disorder has within a few years made repeated ravages in some of our principal seaports, and with increased malignancy; and when we consider the magnitude of the evils arising from the interruption of public and private business, whereby the national interests are deeply affected, I think it my duty to invite the legislature of the Union to examine the expediency of establishing suitable regulations in aid of the health laws of the respective states; for these being formed on the idea that contagious sickness may be communicated through the channels of commerce, there seems to be a necessity that Congress, who alone can regulate trade, should frame a system, which, while it may tend to preserve the general health, may be compatible with the interests of commerce and the safety of the revenue.

While we think on this calamity, and sympathize with the immediate sufferers, we have abundant reason to present to the Supreme Being our annual oblations of gratitude for a liberal participation in the ordinary blessings of his providence. To the usual subjects of gratitude, I cannot omit to add one of the first importance to our well-being and safety: I mean that spirit which has arisen in our country against the menaces and aggression of a foreign nation. A manly sense of national honor, dignity, and independence has appeared, which, if encouraged and invigorated by every branch of the government, will enable us to view undismayed the enterprises

of any foreign power, and become the sure foundation of national prosperity and glory.

The course of the transactions in relation to the United States and France, which have come to my knowledge during your recess, will be made the subject of a future communication. That communication will confirm the ultimate failure of the measures which have been taken by the government of the United States towards an amicable adjustment of differences with that power. You will at the same time perceive that the French government appears solicitous to impress the opinion that it is averse to a rupture with this country, and that it has, in a qualified manner, declared itself willing to receive a minister from the United States for the purpose of restoring a good understanding. It is unfortunate for professions of this kind that they should be expressed in terms which may countenance the inadmissible pretension of a right to prescribe the qualifications which a minister from the United States should possess, and that, while France is asserting the existence of a disposition on her part to conciliate with sincerity the differences which have arisen, the sincerity of a like disposition on the part of the United States, of which so many demonstrative proofs have been given, should even be indirectly questioned. It is also worthy of observation, that the decree of the Directory, alleged to be intended to restrain the depredations of French cruisers on our commerce, has not given, nor cannot give any relief; it enjoins them to conform to all the laws of France relative to cruising and prizes, while these laws are themselves the sources of the depredations of which we have so long, so justly, and so fruitlessly complained.

The law of France, enacted in January last, which subjects to capture and condemnation neutral vessels and their cargoes, if any portion of the latter are of British fabric or produce, although the entire property belong to neutrals, instead of being rescinded, has lately received a confirmation by the failure of a proposition for its repeal. While this law, which is an unequivocal act of war on the commerce of the nations it attacks, continues in force, those nations can see in the French government

only a power, regardless of their essential rights, of their independence and sovereignty, and if they possess the means, they can reconcile nothing with their interest and honor but a firm resistance.

Hitherto, therefore, nothing is discoverable in the conduct of France which ought to change or relax our measures of defence; on the contrary, to extend and invigorate them is our true policy. We have no reason to regret that these measures have been thus far adopted and pursued; and in proportion as we enlarge our view of the portentous and incalculable situation of Europe, we shall discover new and cogent motives for the full development of our energies and resources.

But, by demonstrating in our conduct, that we do not fear war in the necessary protection of our rights and honor, we shall give no room to infer that we abandon the desire of peace. An efficient preparation for war can alone insure peace. It is peace that we have uniformly and perseveringly cultivated; and harmony between us and France may be restored at her option. But to send another minister without more determinate assurances that he would be received, would be an act of humiliation to which the United States ought not to submit. It must therefore be left with France (if she is, indeed, desirous of accommodation) to take the requisite steps. The United States will steadily observe the maxims by which they have hitherto been governed. They will respect the sacred rights of embassy. And with a sincere disposition on the part of France to desist from hostilities, to make reparation for the injuries heretofore inflicted on our commerce, and to do justice in future, there will be no obstacle to the restoration of a friendly intercourse. In making to you this declaration, I give a pledge to France and the world, that the executive authority of this country still adheres to the humane and pacific policy which has invariably governed its proceedings, in conformity with the wishes of the other branches of the government, and of the people of the United States. But considering the late manifestations of her policy towards foreign nations, I deem it a duty deliberately and solemnly to declare my opinion, that, whether

we negotiate with her or not, vigorous preparations for war will be alike indispensable. These alone will give to us an equal treaty, and insure its observance.

Among the measures of preparation which appear expedient, I take the liberty to recall your attention to the naval establishment. The beneficial effects of the small naval armament provided under the acts of the last session, are known and acknowledged. Perhaps no country ever experienced more sudden and remarkable advantages from any measure of policy than we have derived from the arming for our maritime protection and defence. We ought, without loss of time, to lay the foundation for an increase of our navy to a size sufficient to guard our coast and protect our trade. Such a naval force as it is doubtless in the power of the United States to create and maintain would also afford to them the best means of general defence, by facilitating the safe transportation of troops and stores to every part of our extensive coast. To accomplish this important object, a prudent foresight requires that systematical measures be adopted for procuring at all times the requisite timber and other supplies. In what manner this shall be done, I leave for your consideration.

I will now advert, gentlemen, to some matters of less moment, but proper to be communicated to the national legislature.

After the Spanish garrisons had evacuated the posts they occupied at the Natchez and Walnut-hills, the commissioner of the United States commenced his observations to ascertain the point near the Mississippi which terminated the northernmost part of the thirty-first degree of north latitude. From thence he proceeded to run the boundary line between the United States and Spain. He was afterwards joined by the Spanish commissioner, when the work of the former was confirmed, and they proceeded together to the demarkation of the line. Recent information renders it probable that the Southern Indians, either instigated to oppose the demarkation, or jealous of the consequences of suffering white people to run a line over lands to which the Indian title had not been extinguished, have, ere this time, stopped the progress of

the commissioners. And considering the mischiefs which may result from continuing the demarkation in opposition to the will of the Indian tribes, the great expense attending it, and that the boundaries which the commissioners have actually established probably extend at least as far as the Indian title has been extinguished, it will perhaps become expedient and necessary to suspend further proceedings by recalling our commissioner.

The commissioners appointed in pursuance of the fifth article of the treaty of amity, commerce, and navigation between the United States and his Britannic majesty, to determine what river was truly intended under the name of the river St. Croix, mentioned in the treaty of peace, and forming a part of the boundary therein described, have finally decided that question. On the 25th of October they made their declaration that a river called Schoodiac, which falls into Passamaquoddy Bay at its north-western quarter, was the true St. Croix intended in the treaty of peace, as far as its great fork, where one of its streams comes from the westward and the other from the northward, and that the latter stream is the continuation of the St. Croix to its source. This decision, it is understood, will preclude all contention among individual claimants, as it seems that the Schoodiac and its northern branch bound the grants of lands which have been made by the respective adjoining governments. A subordinate question, however, it has been suggested, still remains to be determined. Between the mouth of the St. Croix as now settled, and what is usually called the bay of Fundy, lie a number of valuable islands. The commissioners have not continued the boundary line through any channel of these islands, and unless the bay of Passamaquoddy be a part of the bay of Fundy, this further adjustment of boundary will be necessary. But it is apprehended that this will not be a matter of any difficulty.

Such progress has been made in the examination and decision of cases of captures and condemnations of American vessels, which were the subject of the seventh article of the treaty of amity, commerce and navigation between the United States and Great Britain, that it is

supposed the commissioners will be able to bring their business to a conclusion in August of the ensuing year.

The commissioners acting under the twenty-fifth article of the treaty between the United States and Spain, have adjusted most of the claims of our citizens for losses sustained in consequence of their vessels and cargoes having been taken by the subjects of his Catholic majesty during the late war between France and Spain.

Various circumstances have occurred to delay the execution of the law for augmenting the military establishment; among these, the desire of obtaining the fullest information to direct the best selection of officers. As this object will now be speedily accomplished, it is expected that the raising and organizing of the troops will proceed without obstacle, and with effect.

Gentlemen of the House of Representatives:

I have directed an estimate of the appropriations which will be necessary for the service of the ensuing year to be laid before you, accompanied with a view of the public receipts and expenditures to a recent period. It will afford you satisfaction to infer the great extent and solidity of the public resources from the prosperous state of the finances, notwithstanding the unexampled embarrassments which have attended commerce. When you reflect on the conspicuous examples of patriotism and liberality which have been exhibited by our mercantile fellow-citizens, and how great a portion of the public resources depends on their enterprise, you will naturally consider whether their convenience cannot be promoted and reconciled with the security of the revenue by a revision of the system by which the collection is at present regulated.

During your recess, measures have been steadily pursued for effecting the valuations and returns directed by the act of the last session, preliminary to the assessment and collection of a direct tax. No other delays or obstacles have been experienced, except such as were expected to arise from the great extent of our country and the magnitude and novelty of the operation, and enough has

been accomplished to assure a fulfilment of the views of the legislature.

Gentlemen of the Senate,
and of the House of Representatives:

I cannot close this address without once more adverting to our political situation, and inculcating the essential importance of uniting in the maintenance of our dearest interests, and I trust that, by the temper and wisdom of your proceedings, and by a harmony of measures, we shall secure to our country that weight and respect to which it is so justly entitled.

THIRD ANNUAL ADDRESS,

DECEMBER 3, 1799.

Gentlemen of the Senate,
and House of Representatives:

It is with peculiar satisfaction that I meet the Sixth Congress of the United States of America. Coming from all parts of the Union at this critical and interesting period, the members must be fully possessed of the sentiments and wishes of our constituents.

The flattering prospects of abundance, from the labors of the people, by land and by sea; the prosperity of our extended commerce, notwithstanding interruptions occasioned by the belligerent state of a great part of the world; the return of health, industry and trade to those cities which have lately been afflicted with disease; and the various and inestimable advantages, civil and religious, which, secured under our happy frame of government, are continued to us unimpaired, demand of the whole American people sincere thanks to a benevolent Deity for the merciful dispensations of his providence.

But while these numerous blessings are recollected, it is a painful duty to advert to the ungrateful return which has been made for them by some of the people in certain

counties of Pennsylvania, where, seduced by the arts and misrepresentations of designing men, they have openly resisted the law directing the valuation of houses and lands. Such defiance was given to the civil authority as rendered hopeless all further attempts, by judicial process, to enforce the execution of the law; and it became necessary to direct a military force to be employed, consisting of some companies of regular troops, volunteers, and militia, by whose zeal and activity, in co-operation with the judicial power, order and submission were restored, and many of the offenders arrested. Of these, some have been convicted of misdemeanors, and others, charged with various crimes, remain to be tried.

To give due effect to the civil administration of government, and to insure a just execution of the laws, a revision and amendment of the judiciary system is indispensably necessary. In this extensive country it cannot but happen that numerous questions respecting the interpretation of the laws and the rights and duties of officers and citizens must arise. On the one hand, the laws should be executed; on the other, individuals should be guarded from oppression: neither of these objects is sufficiently assured under the present organization of the judicial department. I therefore earnestly recommend the subject to your serious consideration.

Persevering in the pacific and humane policy which has been invariably professed and sincerely pursued by the executive authority of the United States, when indications were made, on the part of the French republic, of a disposition to accommodate the existing differences between the two countries, I felt it to be my duty to prepare for meeting their advances by a nomination of ministers upon certain conditions which the honor of our country dictated, and which its moderation had given it a right to prescribe. The assurances which were required of the French government, previous to the departure of our envoys, have been given, through their minister of foreign relations, and I have directed them to proceed on their mission to Paris. They have full power to conclude a treaty, subject to the constitutional advice and consent of the Senate. The characters of

these gentlemen are sure pledges to their country that nothing incompatible with its honor or interest, nothing inconsistent with our obligations of good faith or friendship to any other nation will be stipulated.

It appearing probable, from the information I received, that our commercial intercourse with some ports in the Island of St. Domingo might safely be renewed, I took such steps as seemed to me expedient to ascertain that point. The result being satisfactory, I then, in conformity with the act of Congress on the subject, directed the restraints and prohibitions of that intercourse to be discontinued, on terms which were made known by proclamation. Since the renewal of this intercourse, our citizens trading to those ports, with their property, have been duly respected, and privateering from those ports has ceased.

In examining the claims of British subjects, by the commissioners at Philadelphia, acting under the sixth article of the treaty of amity, commerce, and navigation with Great Britain, a difference of opinion, on points deemed essential in the interpretation of that article, has arisen between the commissioners appointed by the United States, and the other members of that board, from which the former have thought it their duty to withdraw. It is sincerely to be regretted that the execution of an article produced by a mutual spirit of amity and justice should have been thus unavoidably interrupted. It is, however, confidently expected that the same spirit of amity and the same sense of justice, in which it originated, will lead to satisfactory explanations. In consequence of the obstacles to the progress of the commission in Philadelphia, his Britannic majesty has directed the commissioners appointed by him under the seventh article of the treaty relating to British captures of American vessels, to withdraw from the board sitting in London, but with the express declaration of his determination to fulfil, with punctuality and good faith, the engagements which his majesty has contracted by his treaty with the United States, and that they will be instructed to resume their functions whenever the obstacles which impede the progress of the commission at Philadelphia shall be removed.

It being in like manner my sincere determination, so far as the same depends on me, that with equal punctuality and good faith, the engagements contracted by the United States, in their treaties with his Britannic majesty, shall be fulfilled, I shall immediately instruct our minister at London to endeavor to obtain the explanations necessary to a just performance of those engagements on the part of the United States. With such dispositions on both sides, I cannot entertain a doubt that all difficulties will soon be removed, and that the two boards will then proceed and bring the business committed to them respectively to a satisfactory conclusion.

The act of Congress relative to the seat of government of the United States requiring that, on the first Monday of December next, it should be transferred from Philadelphia to the district chosen for its permanent seat, it is proper for me to inform you that the commissioners appointed to provide suitable buildings for the accommodation of Congress and of the President, and for the public offices of the government, have made a report of the state of the buildings designed for those purposes in the city of Washington, from which they conclude that the removal of the seat of government to that place at the time required will be practicable, and the accommodation satisfactory. Their report will be laid before you.

Gentlemen of the House of Representatives:

I shall direct the estimates of the appropriations necessary for the service of the ensuing year, together with an account of the revenue and expenditure, to be laid before you. During a period in which a great portion of the civilized world has been involved in a war unusually calamitous and destructive, it was not to be expected that the United States could be exempted from extraordinary burdens. Although the period is not arrived when the measures adopted to secure our country against foreign attacks can be renounced, yet it is alike necessary to the honor of the government and the satisfaction of the community, that an exact economy should be maintained. I invite you, gentlemen, to investigate the different branches of the public expenditure; the

examination will lead to beneficial retrenchments, or produce a conviction of the wisdom of the measures to which the expenditure relates.

Gentlemen of the Senate,
and House of Representatives:

At a period like the present, when momentous changes are occurring, and every hour is preparing new and great events in the political world; when a spirit of war is prevalent in almost every nation with whose affairs the interests of the United States have any connection; unsafe and precarious would be our situation were we to neglect the means of maintaining our just rights. The result of the mission to France is uncertain; but, however it may terminate, a steady perseverance in a system of national defence, commensurate with our resources and the situation of our country, is an obvious dictate of wisdom. For, remote as we are placed from the belli gerent nations, and desirous as we are, by doing justice to all, to avoid offence to any, nothing short of the power of repelling aggressions will secure to our country a rational prospect of escaping the calamities of war or national degradation. As to myself, it is my anxious desire so to execute the trust reposed in me as to render the people of the United States prosperous and happy. I rely with entire confidence on your co-operation in objects equally your care, and that our mutual labors will serve to increase and confirm union among our fellow-citizens, and an unshaken attachment to our government.

SPECIAL MESSAGE.

DECEMBER 23, 1799.

Gentlemen of the Senate:

I receive with the most respectful and affectionate sentiments, in your impressive address, the obliging expressions of your regard for the loss our country has

sustained in the death of her most esteemed, beloved, and admired citizen.

In the multitude of my thoughts and recollections on this melancholy event, you will permit me to say, that I have seen him in the days of adversity, in some of the scenes of his deepest distress and most trying perplexities. I have also attended him in his highest elevation and most prosperous felicity, with uniform admiration of his wisdom, moderation, and constancy.

Among all our original associates in that memorable league of the continent in 1774, which first expressed the sovereign will of a free nation in America, he was the only one remaining in the general government. Although with a constitution more enfeebled than his, at an age when he thought it necessary to prepare for retirement, I feel myself alone, bereaved of my last brother; yet I derive a strong consolation from the unanimous disposition which appears, in all ages and classes, to mingle their sorrows with mine on this common calamity to the world.

The life of our Washington cannot suffer by a comparison with those of other countries who have been most celebrated and exalted by fame. The attributes and decorations of royalty could have only served to eclipse the majesty of those virtues which made him, from being a modest citizen, a more resplendent luminary. Misfortune, had he lived, could hereafter have sullied his glory only with those superficial minds, who believing that characters and actions are marked by success alone, rarely deserve to enjoy it. Malice could never blast his honor, and envy made him a singular exception to her universal rule. For himself, he had lived enough to life and to glory. For his fellow-citizens, if their prayers could have been answered, he would have been immortal. For me, his departure is at a most unfortunate moment. Trusting, however, in the wise and righteous dominion of Providence over the passions of men, and the results of their councils and actions, as well as over their lives, nothing remains for me but humble resignation.

His example is now complete, and it will teach wisdom and virtue to magistrates, citizens, and men, not only in

the present age, but in future generations, as long as our history shall be read. If a Trajan found a Pliny, a Marcus Aurelius can never want biographers, eulogists, or historians.

SPECIAL MESSAGE,

JANUARY 8, 1800

Gentlemen of the Senate,
and House of Representatives:

In compliance with the request in one of the resolutions of Congress of the 21st of December last, I transmitted a copy of those resolutions, by my secretary, Mr. Shaw, to Mrs. Washington, assuring her of the profound respect Congress will ever bear to her person and character; of their condolence in the late afflicting dispensation of Providence; and entreating her assent to the interment of the remains of General George Washington in the manner expressed in the first resolution. As the sentiments of that virtuous lady, not less beloved by this nation than she is at present greatly afflicted, can never be so well expressed as in her own words, I transmit to Congress her original letter.

It would be an attempt of too much delicacy to make any comments upon it; but there can be no doubt that the nation at large, as well as all the branches of the government, will be highly gratified by any arrangement which may diminish the sacrifice she makes of her personal feelings.

Mount Vernon, Dec. 31, 1799.

SIR: While I feel with the keenest anguish the late dispensation of Divine Providence, I cannot be insensible to the mournful tributes of respect and veneration which are paid to the memory of my dear deceased husband; and, as his best services and most anxious wishes were always devoted to the welfare and happiness of his country, to know that they were truly appreciated and

gratefully remembered affords no inconsiderable consolation.

Taught by that great example which I have so long had before me, never to oppose my private wishes to the public will, I must consent to the request made by Congress, which you have had the goodness to transmit to me; and, in doing this, I need not, I cannot, say what a sacrifice of individual feeling I make to a sense of public duty.

With grateful acknowledgments and unfeigned thanks for the personal respect and evidences of condolence, ex pressed by Congress and yourself,

I remain, very respectfully, sir,

Your most obedient and humble servant,

MARTHA WASHINGTON.

FOURTH ANNUAL ADDRESS,

NOVEMBER 22, 1800.

Gentlemen of the Senate,
and House of Representatives :

Immediately after the adjournment of Congress, at their last session at Philadelphia, I gave directions, in compliance with the laws, for the removal of the public offices, records, and property. These directions have been executed, and the public officers have since resided and conducted the ordinary business of the government in this place.

I congratulate the people of the United States on the assembling of Congress at the permanent seat of their government; and I congratulate you, gentlemen, on the prospect of a residence not to be changed. Although there is cause to apprehend that accommodations are not now so complete as might be wished, yet there is great reason to believe that this inconvenience will cease with the present session.

It would be unbecoming the representatives of this nation to assemble, for the first time, in this solemn temple, without looking up to the Supreme Ruler of the universe, and imploring his blessing.

May this territory be the residence of virtue and happiness! In this city may that piety and virtue, that wisdom and magnanimity, that constancy and self-government which adorned the great character whose name it bears, be forever held in veneration! Here, and throughout our country, may simple manners, pure morals, and true religion, flourish forever!

It is with you, gentlemen, to consider whether the local powers over the District of Columbia, vested by the constitution in the Congress of the United States, shall be immediately exercised. If, in your opinion, this important trust ought now to be executed, you cannot fail, while performing it, to take into view the future probable situation of the territory for the happiness of which you are about to provide. You will consider it as the capital of a great nation, advancing with unexampled rapidity, in arts, in commerce, in wealth, and in population; and possessing within itself those energies and resources which, if not thrown away, or lamentably misdirected, will secure to it a long course of prosperity and self-government.

In compliance with a law of the last session of Congress, the officers and soldiers of the temporary army have been discharged. It affords real pleasure to recollect the honorable testimony they gave the patriotic motives which brought them into the service of their country, by the readiness and regularity with which they returned to the station of private citizens.

It is, in every point of view, of such primary importance to carry the laws into prompt and faithful execution, and to render that part of the administration of justice which the constitution and laws devolve on the federal courts as convenient to the people as may consist with their present circumstances, that I cannot omit once more to recommend to your serious consideration the judiciary system of the United States. No subject is more interesting than this to the public happiness, and to none can those improvements which may have been suggested by experience be more beneficially applied.

A treaty of amity and commerce with the king of Prussia has been concluded and ratified. The ratifica-

tions have been exchanged, and I have directed the treaty to be promulgated by proclamation.

The difficulties which suspended the execution of the sixth article of our treaty of amity, commerce, and navigation with Great Britain, have not yet been removed. The negotiation on this subject is still depending. As it must be for the interest and honor of both nations to adjust this difference with good faith, I indulge confidently the expectation that the sincere endeavors of the government of the United States to bring it to an amicable termination will not be disappointed.

The envoys extraordinary and ministers plenipotentiary from the United States to France were received by the first consul with the respect due to their character, and three persons, with equal powers, were appointed to treat with them. Although, at the date of the last official intelligence, the negotiation had not terminated, yet it is to be hoped that our efforts to effect an accommodation will at length meet with a success proportioned to the sincerity with which they have been so often repeated.

While our best endeavors for the preservation of harmony with all nations will continue to be used, the experience of the world and our own experience admonish us of the insecurity of trusting too confidently to their success. We cannot, without committing a dangerous imprudence, abandon those measures of self-protection which are adapted to our situation, and to which, notwithstanding our pacific policy, the violence and injustice of others may compel us to resort. While our vast extent of seacoast, the commercial and agricultural habits of our people, the great capital they will continue to trust on the ocean, suggest the system of defence which will be most beneficial to ourselves, our distance from Europe, and our resources for maritime strength will enable us to employ it with effect. Seasonable and systematic arrangements, so far as our resources will justify, for a navy, adapted for defensive war, and which may, in case of necessity, be quickly brought into use, seem to be as much recommended by a wise and true economy as by a just regard for our future tranquillity,

for the safety of our shores, and for the protection of our property committed to the ocean.

The present navy of the United States, called suddenly into existence by a great national exigency, has raised us in our own esteem, and by the protection afforded to our commerce has effected, to the extent of our expectations, the objects for which it was created.

In connection with a navy ought to be contemplated the fortification of some of our principal seaports and harbors. A variety of considerations, which will readily suggest themselves, urge an attention to this measure of precaution. To give security to our principal ports, considerable sums have already been expended, but the works remain incomplete. It is for Congress to determine whether additional appropriations shall be made, in order to render competent to the intended purposes the fortifications which have been commenced.

The manufacture of arms within the United States still invites the attention of the national legislature. At a considerable expense to the public, this manufacture has been brought to such a state of maturity as, with continued encouragement, will supersede the necessity of future importations from foreign countries.

Gentlemen of the House of Representatives:

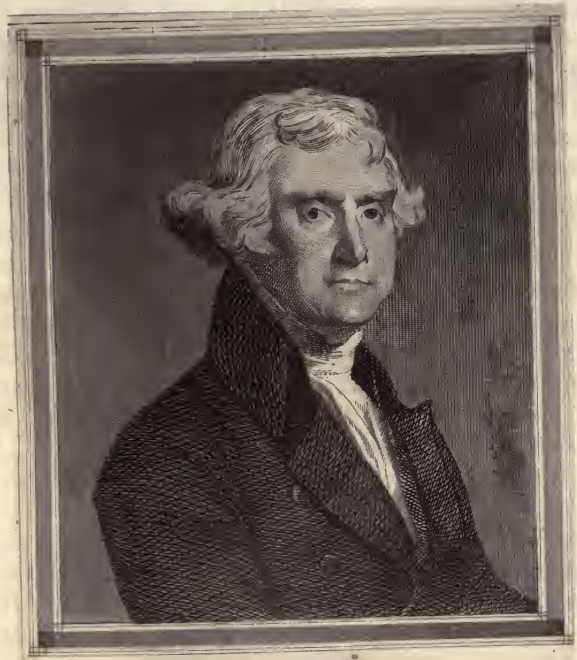
I shall direct the estimates of the appropriations necessary for the ensuing year, together with an account of the public revenue and expenditure, to a later period, to be laid before you. I observe, with much satisfaction, that the product of the revenue during the present year has been more considerable than during any former equal period. This result affords conclusive evidence of the great resources of this country, and of the wisdom and efficiency of the measures which have been adopted by Congress for the protection of commerce and preservation of public credit.

Gentlemen of the Senate,
and House of Representatives:

As one of the grand community of nations, our attention is irresistibly drawn to the important scenes which

surround us. If they have exhibited an uncommon portion of calamity, it is the province of humanity to deplore, and of wisdom to avoid, the causes which may have produced it. If, turning our eyes homeward, we find reason to rejoice at the prospect which presents itself; if we perceive the interior of our country prosperous, free, and happy, if all enjoy safety, under the protection of laws emanating only from the general will, the fruits of their own labor, we ought to fortify and cling to those institutions which have been the source of much real felicity, and resist with unabating perseverance the progress of those dangerous innovations which may diminish their influence.

To your patriotism, gentlemen, has been confided the honorable duty of guarding the public interests; and, while the past is to your country a sure pledge that it will be faithfully discharged, permit me to asssure you that your labors to promote the general happiness will receive from me the most zealous co-operation.



THOS. JEFFERSON.

Born April 2. 1743. In. 1801. Obt. July 4. 1826. Æ. 83.

THOMAS JEFFERSON.

Thomas Jefferson, the third President of the United States, was born on the 2d day of April, (O. S.) 1743, at Shadwell, in Albemarle County, Virginia. Of the first incidents of his life very little is recorded. We first hear of him as a student in the college of William and Mary, and, still ignorant of what success he met with in his literary pursuits at this institution, we find him a student at law in the office of George Wythe. Mr. Jefferson was admitted to the bar in 1766, and pursued his profession with zeal and success, and during the short period in which he devoted himself to its practice, he acquired considerable reputation, and there still exists a monument of his early labor and talents in a volume of Reports of Cases in the Supreme Courts of Virginia.

He was not, however, permitted long to remain in a private station. We find him, as early as 1769, a distinguished member of the legislature of Virginia, associated with men whose names have come down to us as the earliest and most determined champions of our rights.

On the first of January, 1772, Mr. Jefferson married the daughter of Mr. Wayles, an eminent lawyer of Virginia. On the 12th of March, 1773, Mr. Jefferson was appointed a member of the first committee of correspondence, established by the colonial legislatures, one of the most important acts of the Revolution, and which paved the way for that union of action and sentiment, from which arose the first effective resistance, and on which depended the successful conduct and final triumph of the cause.

In 1774, we still find Mr. Jefferson a member of the Virginia legislature. In March, 1775, Mr. Jefferson was elected a delegate to the General Congress, and took his seat in that body on the 21st of June. He was an active and efficient member. In August he was again chosen to the same body; in which, being on the committee appointed to prepare a draft of the Declaration of Independence, he drew up the one which was finally adopted. In the autumn of 1776, he returned to Virginia. He was tendered the office of commissioner to France, with Dr. Franklin and Silas Deane, but declined the appointment, and remained during the year in his native state, devoting himself assiduously to her concerns. He was, for more than two years, actively engaged in revising the statutes of Virginia, and adapting them to the new condition of things. To his labors Virginia is indebted for some of her most important statutes.

In June, 1779, Mr. Jefferson succeeded Patrick Henry, as governor of the state. In 1782, he was appointed minister plenipotentiary, with those then in Europe, to negotiate for peace; but, before his departure, the welcome intelligence was received, that peace had been concluded. In June, 1783, he was again elected to Congress.

In May, 1784, he was a third time appointed on an embassy, and went to Paris. He was absent on his mission more than four years, and visited Holland and Italy. Peace having been restored, and the government put in operation, Gen. Washington tendered to Mr. Jefferson the first office in his cabinet, as secretary of state. He held the office until the close of 1793, when he resigned. In 1801, he was elected president of the United States by the House of Representatives, the people in their colleges having failed to make a choice. He continued in this

high office eight years, and, during his administration, some important measures were adopted; the most important of which was the purchase of Louisiana. When his second term of office expired, he retired to his estate in Virginia, and devoted the remainder of his life to philosophical pursuits, and the oversight of his plantation.

Of all our public men, the greatest injustice has been done to Mr. Jefferson. The character of the two great parties which have divided this country, from the foundation of the government, has not been fairly exhibited before the great mass of the people. Mr. Jefferson, the acknowledged head of the democratic party, presents a fit occasion for vindicating that party, in the purity of their motives, the justness of their views, the wisdom of their policy, from the criminations to which they have been subjected, by exhibiting, in a short sketch of his most valuable life, his views in common with the true democratic party then, and at this day, of the policy and measures to be pursued to perpetuate and prolong the glorious institutions of this country. Honest, credulous, unsuspecting individuals are often cheated out of their liberty by their confidence in the promises and professions of others. Mr. Jefferson says, we are likely to preserve the liberty we have obtained only by unremitting labors and perils.

Mr. Jefferson arrived at New York on the 21st of March, 1790, and here commenced a new and important epoch of his life. From this time, until he retired from public affairs, in March, 1809, a period of nineteen years, his history is closely connected with the history of his country; and it is emphatically and completely a history of the political parties into which that country has been divided.

As soon as the thirteen colonies had formed themselves

into one nation, having the same general interests, they furnished another example of this portion of human destiny, which even the sense of common danger and the aspirations after the common blessing of independence could check, but was not able altogether to extinguish.

One of the first, as well as most interesting occasions for a difference of opinion which presented itself, was the precise character of the political connection which should exist among the several states, which had, by a joint effort and a common triumph, effected a separation from their European rulers. Besides these general speculations in favor of a political union, there was another consideration which had a more general and immediate operation, because it was felt as well as seen. The people had practically experienced, since the peace, the inconvenience of so many independent sovereignties, in their conflicting regulations of foreign trade. The benefits to be derived from the union were the greater, from the fact that one division of the states was agricultural in its pursuits, and the other commercial. With such strong inducements for a united government, it is no wonder that the belief of its necessity was very prevalent. But about the character of the confederacy, men were much divided; and some saw, or thought they saw, in too close a union, dangers as great, and consequences as distasteful, as in their entire separation. It was believed by many that the territorial extent of the country, and the great diversity of character, habits, and pursuits, among the several states, presented insuperable obstacles to a closer union than already existed, some states being addicted to commerce, and others exclusively agricultural; some having domestic slavery entwined in their civil policy, and others free from that institution, and averse to it. Of this description were the sentiments

and motives on the subject of a national government which floated in men's minds for three or four years after the peace of 1783. But when they had produced a general convention for the purpose of forming a constitution, the community settled down into two great parties of federalists and anti-federalists; the first believing the most imminent danger to our peace and prosperity was in disunion; and that popular jealousy, always of itself sufficiently active, would, when artfully inflamed by ambitious demagogues, withhold that portion of power which was essential to good order and rational safety; the last believing that the danger most to be apprehended was in too close a union, and that their powerful opponents wished a consolidated, and even a monarchical government.

This imputation of the anti-federal party against their leading adversaries, that they were desirous of paving the way for a monarchy, is one among those points on which the two parties have most warmly disputed. Mr. Jefferson was one of those who gave credit to the charge; and in the latter part of his life, when he considered that all his party feelings had passed away, and when they unquestionably must have greatly abated, he revises the evidence which he had formerly collected on this subject, and rejecting that part which further experience and cooler views had disapproved, he still maintains that some of our principal politicians, at the time the constitution was formed, gave a deliberate preference to monarchical government. But in addition to the probability of those opinions deduced from general reasoning, we have the direct evidence of many facts to show that a kindred desire of the artificial distinctions of rank prevailed. Of this character were the fondness with which the society of the Cincinnati clung to that institution, and the

reluctance with which they relinquished the hereditary principle; the actual attempt to bestow a titular dignity on the office of President; the further attempts to make a distinction between the members of the senate and the house of representatives, both as to their daily compensation and the style of their address; the imitation of regal forms, so far as public opinion would tolerate them, in the President's morning levees; in his opening speeches at each session of Congress, and in the ceremonial adopted when he appeared in public; and the fact that, at a ball in New York, a raised seat, obviously and purposely having an analogy to a throne, was prepared for the President and Mrs. Washington. Besides, the predilections of Alexander Hamilton for a monarchical government were well known—with his usual frankness he did not disguise them from his friends; and it furnished a fair presumption that those who admired him as a politician, and supported all his measures, could not have strongly objected to his principles.

Such we can easily suppose to have been the views of Mr. Hamilton, Mr. Adams, and a large proportion of those whose opinions on government had been formed before the Revolution. But the speculations on political rights, to which the contest with Great Britain and the question of independence gave rise, greatly favored the doctrines of political equality and the hatred of power in any form that could control the public will. There are in the heart of every man principles which readily prepare him for republican doctrines. The leading statesmen differ; some preferring the republican form in theory, and believing that no other would be tolerated in practice; and others regretting that they were obliged to yield so far to popular prejudice as to forego the form they deemed the best, but determined to avail themselves

of every opportunity of improving the existing government into that form. There were strong reasons why Mr. Jefferson's sentiments should be of an opposite character. He had always been among the foremost of his countrymen in favor of popular rights.

Mr. Jefferson arrived at New York, in March, 1790. He remarks,—"Here I found a state of things, which, of all I had ever contemplated, I the least expected. I had left France in the first year of her revolution, in the fervor of natural rights and zeal for reformation. My conscientious devotion to these rights could not be heightened; but it had been aroused and excited by daily exercise. The President received me cordially, and my colleagues and the circle of principal citizens apparently with welcome. The courtesies of dinner parties, given me as a stranger newly arrived among them, placed me at once in their familiar society. But I cannot describe the wonder and mortification with which the table conversation filled me. Politics were the chief topic, and a preference of kingly over republican government was evidently the favorite sentiment. An apostate I could not be, nor yet a hypocrite, and I found myself, for the most part, the only advocate on the republican side of the question, unless among the guests there chanced to be some member of that party from the legislative houses. Hamilton's financial system had then passed. It had two objects—1st, as a puzzle to exclude popular understanding and inquiry; 2d, as a machine for the corruption of the legislature; for he avowed the opinion that man could be governed by one of two motives only, force or interest; force, he observed, in this country, was out of the question, and the interests therefore of the members must be laid hold of, to keep the legislature in unison with the executive. And with grief and shame it must be acknowledged that his ma-

chine was not without effect; that even in this, the birth of our government, some members were found sordid enough to bend their duty to their interests, and to look after personal rather than public good."

In April, General Washington, having determined to make a tour through the southern states, addressed a letter to the secretaries, Jefferson, Hamilton, and Knox, informing them of the time he expected to reach and leave each principal town in his route, that they might communicate with him whenever occasion required it.

Some occasion for consultation having occurred during the President's absence, Mr. Jefferson accordingly invited Mr. Adams, together with the secretaries of the treasury and war and the attorney-general, to dinner, for the purpose of conferring on the subject.

A conversation took place, of which he gives the following account.

"After the cloth was removed, and our question argued and dismissed, conversation began on other matters, and by some circumstance was led to the British constitution, on which Mr. Adams observed, 'Purge that constitution of its corruption, and give to its popular branch equality of representation, and it would be the most perfect constitution ever devised by the wit of man.' Hamilton paused and said, 'Purge it of its corruption, and give to its popular branch equality of representation, and it would become an impracticable government; as it stands at present, with all its supposed defects, it is the most perfect government which ever existed.' And this was assuredly the exact line which supported the political creeds of these two gentlemen. The one was for two hereditary branches and an honest elective one; the other, for an hereditary king, with a house of lords and commons, corrupted to his will, and standing between him and the

people. Mr. Adams had originally been a republican. The glare of royalty and nobility, during his mission to England, had made him believe their fascination a necessary ingredient in government. His book on the American constitution having made known his political bias, he was taken up by the monarchical federalists in his absence, and, on his return to the United States, he was by them made to believe that the general disposition of our citizens was favorable to monarchy, and his election to the presidency confirmed him in his errors. Innumerable addresses, too artfully and industriously poured in upon him, deceived him into a confidence that he was on the pinnacle of popularity, when the gulf was yawning at his feet, which was to swallow up him and his deceivers. For when Gen. Washington was withdrawn, these energumeni of royalism, kept in check hitherto by the dread of his honesty, his firmness, his patriotism, and the authority of his name, now mounted on the car of state, and free from control, drove headlong and wild, looking neither to the right nor left, or regarding any thing but the objects they were driving at, until displaying these fully, the eyes of the nation were opened, and a general disbandment of them from the public councils took place."

Mr. Jefferson partook so largely of the dissatisfaction which the British treaty generally inspired, and of the popular suspicions as to the motives of those who favored it, that he wrote a letter to Mr. Mazzei, an Italian gentleman who had lived some time in his neighborhood, and with whom he had been particularly intimate. He represents to him the falling off that had taken place in the attachment of some of the leading politicians to liberty and republicanism, which he attributes to the corrupting influence of Great Britain, the funding sys-

tem, and the bank. The political portion of this letter was translated into Italian, and published in Florence by Mr. Mazzei, was then translated into French, and published at Paris in the Moniteur, and having been translated into English, and republished in this country in the following year, it became the subject of severe animadversion against Mr. Jefferson by the federal party. The offensive passage in the original letter was in these words:

"The aspect of our politics has wonderfully changed since you left us, April 24, 1794. In place of that noble love of liberty and republican government which carried us triumphantly through the war, an Anglican, monarchical, and aristocratical party has sprung up, whose avowed object is to draw over us the substance, as they have already done the forms, of the British government. The main body of our citizens, however, remain true to their republican principles: the whole landed interest is republican, and so is a great mass of talents. Against us are the executive, the judiciary, two out of three branches of the legislature, all the officers of the government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty; British merchants, and Americans trading on British capital; speculators, and holders in the banks and public funds, a contrivance invented for the purposes of corruption, and for assimilating us in all things to the rotten as well as the sound parts of the British model. It would give you a fever were I to name to you the apostates who have gone over to these heresies—men who were Samsons in the field and Solomons in the council, but who have had their heads shorn by the harlot England. In short, we are likely to preserve the liberty we have obtained only by unremitting labors and perils. But we shall preserve it; and our mass of weight

and wealth on the good side is so great, as to leave no danger that force will be attempted against us. We have only to wake and snap the Lilliputian cords with which they have been entangling us during the first sleep which succeeded our labors."

The enemies of Mr. Jefferson, with a view of profiting by the strong hold which General Washington always had on the affections of the people, insisted that these, his accusations of a desire in some to introduce a monarchical government, and of apostasy from their former principles, meant to apply to that eminent man, and that, considering the relations in which Mr. Jefferson professed to stand towards him, the calumny was as base as it was unfounded.

This letter to Mazzei, he says, has been a precious theme of crimination for federal malice. It was a long letter on business, in which was inserted a single paragraph only of political information. In this information there was not one word which would not then have been, or would not now be approved by every republican in the United States, looking back to those times, as you will see by a faithful copy, now enclosed, of the whole of what that letter said on the subject of the United States, or of its government. He denies that he meant his remarks against an Anglican, monarchical and aristocratic party to apply to General Washington; insists that they do not necessarily apply to him, and that General Washington was well aware that these censures were not intended for him. He thus concludes his vindication :— "The truth is, that the federalists, pretending to be the exclusive friends of General Washington, have ever done what they could to sink his character, by hanging theirs on it, and by representing as the enemy of republicans him who of all men is best entitled to the appellation of

the father of that republic which they were endeavoring to subvert, and the republicans to maintain. They cannot deny, because the elections proclaimed the truth, that the great body of the nation approved the republican measures. General Washington was himself sincerely a friend to the republican principles of our constitution. His faith, perhaps, in its duration, might not have been as confident as mine; but he repeatedly declared to me, that he was determined it should have a fair chance of success, and that he would lose the last drop of his blood in its support, against any attempt that might be made to change its republican form."

As this letter to Mazzei has drawn so much obloquy on Mr. Jefferson, we may be excused for giving a closer examination to the charges, and to his defence. The ground of crimination is, that he imputed to General Washington an undue attachment to England, and a secret preference for monarchical over republican government; that he was plainly designated in that passage of the letter which says, "Against us are the executive and two out of three branches of the legislature," and was meant to be comprehended among "the apostates, who, though Samsons in the field and Solomons in the council, have had their heads shorn by the harlot England." To this charge Mr. Jefferson gives an express denial, and, while he has never detracted one word as to the leading men of the federal party, he has uniformly maintained that he did not mean to class General Washington with them, either as to their principles or purposes.

Now upon this subject we have abundant evidence to satisfy a candid inquirer. Not only in his diary does he repeatedly express his conviction that Gen. Washington was a republican in his attachments, though he had not the same entire confidence in the fitness of the people for

self-government, as Mr. Jefferson; but also in several of his letters to individuals of the same party as himself; and in his long letter he wrote to Gen. Washington to dissuade him from retiring at the end of the first term, he not only would not have urged him to continue if he had have believed that his principles were opposed to those which he showed, through life, such a rooted attachment, but he never would have ventured to censure so roundly, as he did in that letter, the principles which he believed were those of Gen. Washington. This letter then, is, of itself, utterly inconsistent with the fact that he intended to comprehend in his letter to Mazzei, him whom he had at all other times excepted. They were plainly meant for Hamilton, Adams, Jay, the Pinckney's, and some others who had been distinguished in the Revolution as soldiers or statesmen, and who then guided the executive councils, but who, by their Anglican attachments and anti-gallican prejudices, were endeavoring, as much as they could, to assimilate our government to that of Great Britain. This opinion, whether well founded or not, Mr. Jefferson, in common with a large proportion of his party, fully entertained. There is abundant evidence to show that, as to some of the federal party, they were not mistaken; and if, in the course of time, the American government were to disappoint the hopes of its friends and admirers, and prove a failure, many of that party would have claims to the character of foresight, which their enemies could not resist, and which some of their admirers already assert for them by anticipation.

The opinion universally entertained of the extraordinary abilities of Mr. Jefferson, and the signal evidence given by his country of a profound sense of his patriotic services, and of veneration for his memory, have induced the editor to make some extracts from his letters.

EXTRACT FROM A LETTER TO COL. ARTHUR CAMPBELL.

"*Monticello, Sept.* 1, 1797.

"It is true that a party has risen up among us, or rather has come among us, which is endeavoring to separate us from all friendly connection with France, to unite our destinies with those of Great Britain, and to assimilate our government to theirs. Our lenity in permitting the return of the old tories, gave the first body to this party: they have been increased by large importations of British merchants and factors, by American merchants dealing on British capital, and by stock-dealers and banking companies, who, by the aid of a paper system, are enriching themselves to the ruin of our country, and swaying the government by their possession of the printing presses, which their wealth commands, and by other means, not always honorable to the character of our countrymen. Hitherto, their influence and their system have been irresistible, and they have raised up an executive power which is too strong for the legislature. But I flatter myself they have passed their zenith. The people, while these things were doing, were lulled into rest and security from a cause which no longer exists. No prepossessions now will shut their ears to truth. They begin to see to what port their leaders were steering during their slumbers, and there is yet time to haul in. All can be done peaceably, by the people confining their choice of representatives and senators to persons attached to republican government and the principles of 1776, not office-hunters, but farmers, whose interests are entirely agricultural. Such men are the true representatives of the great American interest, and are alone to be relied on for expressing the proper American sentiment. We owe gratitude to France, justice to England, good will to all, and subservience to none. All this

must be brought about by the people, using their elective rights with prudence and self-possession, and not suffering themselves to be duped by treacherous emissaries. It was by the sober sense of our citizens that we were safely and steadily conducted from monarchy to republicanism, and it is by the same agency alone we can be kept from falling back."

EXTRACT FROM A LETTER TO ELBRIDGE GERRY.

"*Philadelphia, January* 26, 1799.

"Our very long intimacy as fellow-laborers in the same cause, the recent expressions of mutual confidence which has preceded your mission, the interesting course which that had taken, made me anxious to hear from you on your return. I was the more so too, as I had myself, during the whole of your absence, as well as since your return, been a constant butt for every shaft of calumny which malice and falsehood could form, and the presses, public speakers, or private letters disseminate. I do with sincere zeal wish an inviolable preservation of our present federal constitution, according to the true sense in which it was adopted by the states, that in which it was advocated by its friends, and not that which its enemies apprehended, who, therefore, became its enemies: and I am opposed to the monarchizing its features by the forms of its administration, with a view to conciliate a first transition to a President and Senate for life, and from that to an hereditary tenure of these offices, and thus to worm out the elective principle. I am for preserving to the states the powers not yielded by them to the Union, and to the legislature of the Union its constitutional share in the division of powers. I am for a government rigorously frugal and simple, and not for a multiplication of

officers and salaries merely to make partisans, and for increasing by every device the public debt, on the principle of its being a public blessing. I am for relying, for internal defence, on our militia solely, till actual invasion, and not for a standing army in time of peace, which may overawe the public sentiment. I am for free commerce with all nations; political connection with none. I am not for linking ourselves with the quarrels of Europe, or joining in the confederacy of kings to war against the principles of liberty. I am for freedom of religion, and against all manœuvres to bring about a legal ascendency of one sect over another; for freedom of the press, and against all violations of the constitution to silence by force, and not by reason, the complaints or criticisms, just or unjust, of citizens against the conduct of their agents. And I am for encouraging the progress of science in all its branches. The first object of my heart is my own country; in that is embarked my family, my fortune, and my own existence. I have not one farthing of interest, nor one fibre of attachment out of it, nor a single motive of preference of any one nation to another, but in proportion as they are more or less friendly to us."

EXTRACT FROM A LETTER TO SAMUEL ADAMS.

"*Philadelphia, Feb.* 26, 1800.

"A letter from you, my respectable friend, after three and twenty years of separation, has given me a pleasure I cannot express. It recalls to my mind the anxious days we then passed in struggling for the cause of mankind. Your principles have been tested in the crucible of time, and have come out pure. You have proved that it was monarchy, and not merely British monarchy, you opposed. A government by representatives, elected by the people

at short periods, was our object and our maxim at that day. When annual election ends, tyranny begins."

EXTRACT FROM A LETTER TO HIS NEPHEW, PETER CARR.

"*Paris, August* 19, 1785.

"Give up money, give up fame, give up science, give the earth itself and all it contains, rather than do an immoral act. And never suppose that, in any possible situation, or under any circumstances, it is best for you to do a dishonorable thing, however slightly so it may appear to you. Whenever you are to do such a thing, though it can never be known but to yourself, ask yourself how you would act were all the world looking at you, and act accordingly. Encourage all your virtuous dispositions, and exercise them whenever an opportunity arises; being assured that they will gain strength by exercise, as a limb of the body does, and that exercise will make them habitual.

"From the practice of the purest virtue, you may be assured, you will derive the most sublime comforts in every moment of life, and in the moment of death. If ever you find yourself environed with difficulties and perplexing circumstances, out of which you are at a loss how to extricate yourself, do what is right, and be assured that will extricate you the best out of the worst situations. Though you cannot see, when you take one step, what will be the next, yet follow truth, justice, and plain dealing, and never fear their leading you out of the labyrinth, in the easiest manner possible.

"The knot, which you thought a Gordian one, will untie itself before you. Nothing is so mistaken as the supposition that a person is to extricate himself from a difficulty by intrigue, by chicanery, by dissimulation, by trim-

ming, by an untruth, by an injustice. This increases the difficulties ten fold; and those who pursue these methods get themselves so involved, at length, that they can turn no way but their infamy becomes more exposed. It is of great importance to set a resolution, not to be shaken, never to tell an untruth. There is no vice so mean, so pitiful, so contemptible; and he who permits himself to tell a lie once, finds it much easier to do it a second and third time, till at length it becomes habitual; he tells lies without attending to it, and truths without the world's believing him. This falsehood of the tongue leads to that of the heart, and in time depraves all its good dispositions.

"An honest heart being the first blessing, a knowing head is the second."

EXTRACT FROM A LETTER TO DR. BENJAMIN RUSH.

"*Washington, April* 21, 1803.

"In some of the delightful conversations with you, in the evenings of 1798—99, and which served as an anodyne to the afflictions of the crisis through which our country was then laboring, the Christian religion was sometimes our topic; and I then promised you that, one day or other, I would give you my views of it. They are the result of a life of inquiry and reflection, and very different from that anti-christian system imputed to me by those who know nothing of my opinions.

"To the corruptions of Christianity I am indeed opposed, but not to the genuine precepts of Jesus himself; I am a Christian in the only sense in which he wished any one to be; sincerely attached to his doctrines in preference to all others."

It would not be consistent either with the character or length of this sketch to enter into the details of the valuable services rendered for his country by this great man at home and abroad. They are written in the pages of history, and inscribed on the hearts of his countrymen. Mr. Jefferson was the first secretary of state under General Washington. Of all the officers under the government of the United States, there is no one which calls for the exercise of such various abilities, such extensive knowledge of laws and facts, such prompt decision on questions involving principles of the highest political import, as the department of state; and in proportion to the infancy of the office itself, and the new and peculiar situation of the government, was the difficulty of the task assumed by Mr. Jefferson. But all unite in the candid acknowledgment, that the duties of this station were performed with a prudence, intelligence, and zeal, honorable to himself, and useful to his country. In the intercourse with foreign nations, the laws of a strict neutrality, at a period of peculiar difficulty, were maintained with unyielding firmness and consummate ability; the dignity of the nation was remembered and supported; and the interests of the citizens were cherished and protected. At home he turned his attention to objects of a minuter character, but of equal importance; he laid before Congress, from time to time, reports on various branches of domestic policy, which displayed at once the extent and variety of his genius, the depth of his information, and the zeal with which he applied them both to the peculiar duties of his situation. It has been observed, that those papers evince not only the feelings of a patriot, and the judgment of an accomplished statesman, but display, at the same time, uncommon talents and knowledge as a mathematician and natural philoso-

pher, the deepest research as an historian, and even an enlarged and intimate acquaintance with the business and concerns of a merchant.

During the session of 1791, the secretary of the treasury, in introducing his celebrated system of finance, had recommended the establishment of a national bank. A bill conforming to the plan he suggested was sent down from the senate, and was permitted to proceed unmolested in the house of representatives to the third reading. On the final question, however, a great opposition was made to its passage. After a debate of eight days, which was supported on both sides with ability, and with that ardor which was naturally excited by the importance attached by each party to the principle in contest, the question was put, and the bill carried in the affirmative by a majority of nineteen voices.

The opinion of Mr. Jefferson, and it agreed with that of the attorney-general, was decided. He believed that Congress, in the passage of the bill, had clearly transcended the powers granted them by the constitution; that as a body, with limited authority, they were strictly confined to the exercise of those powers which were granted to them, and that to their exercise, an establishment of such vast power and influence was neither incidental nor necessary.

On the thirty-first of December, 1793, Mr. Jefferson resigned the office of secretary of state, and retired once more to private life. From this period Mr. Jefferson devoted himself to the education of his family, the cultivation of his estate, and the pursuit of his philosophical studies, which he had so long abandoned, but to which he now returned with new ardor. The situation of the country did not, however, permit Mr. Jefferson long to enjoy the pleasures of a private life. General Washing-

ton had for some time contemplated a retirement from office, and in his farewell address to the people of the United States, he had, in the month of September, 1796, declined being considered any longer a candidate for it. The person in whom alone the voice of the whole nation could be united having thus withdrawn, the great parties respectively brought forward their chiefs. Mr. Jefferson was supported by the one, Mr. Adams by the other. In February, 1797, the votes for the first and second magistrates of the Union were opened and counted in presence of both houses; and the highest number appearing in favor of Mr. Adams, and the second in favor of Mr. Jefferson, the first was declared to be the President, and the second the Vice-President of the United States, for four years, to commence on the fourth day of the ensuing March. On that day Mr. Jefferson also took the chair as president of the senate, and delivered to that body a short address, in which he expressed his firm attachment to the laws and constitution of his country, and an anxious wish to fulfil, with correctness and satisfaction, the duties of the office to which he had been called.

As, however, the time approached for a new election of a President, the republican party again selected Mr. Jefferson as their candidate for the office, and with more success than on the preceding occasion. In the heat and violence of party, much may be excused, which calls down our severest animadversions in times of less excitement. Week after week was the nation kept in suspense, while a contest was fiercely maintained, by which it was attempted by the federal party to raise to the highest office of the nation a man who had not received a solitary vote from the people, in opposition to one, who for thirty years had been a distinguished member of their councils, who had held the highest offices

of the government, who was fitted for the station alike by his experience, his services and his virtues, and who, above all, was notoriously the choice of a majority of the nation. At length, after thirty-six ballotings, Mr. Jefferson was elected President. Colonel Burr became, of course, Vice-President.

In December, 1801, Mr. Jefferson sent his first message to both houses of Congress. It had been the custom thus far, since the foundation of the government, for the President to deliver in person this communication to Congress, and for that body to reply at once in a formal address. In the change now made by Mr. Jefferson, he appears to have had in view at once the convenience of the legislature, the economy of their time, their relief from the embarrassment of immediate answers on subjects not yet fully before them, and the benefits thence resulting to the public affairs. In these respects its advantages have been so apparent, that it has been invariably adopted on every subsequent occasion.

So much were the measures adopted by Mr. Jefferson during the four years for which he had been chosen, approved by his country, that, as the period approached for a new election, his popularity increased more and more, and he was elevated to the presidency a second time by a majority which had risen from eight votes to one hundred and forty-eight. During the course, indeed, of his administration, the press in its full licentiousness had been directed against him. He entered a second time on the duties of his lofty station, deeply feeling the proof of confidence which his fellow-citizens had given him. He asserted his determination to act up to those principles on which he believed it his duty to administer the affairs of the government, and which had been already sanctioned by the unequivocal approbation of his country.

Mr. Jefferson was so far destined, ere his retirement, to behold the success of his plans, that in January, 1809, after the embargo had existed a year, overtures were made by Mr. Canning to Mr. Pinkney, which indicated a disposition on the part of the British government to recede from the ground they had taken. These overtures were succeeded by negotiations, which at last terminated in the repeal of some of the most objectionable features of the orders in council. On this event Mr. Pinkney remarks, "Our triumph is already considered a signal one by every body."

The period had now arrived when Mr. Jefferson was to terminate forever his political career: he had reached the age of sixty-five years: he had been engaged almost without interruption for forty years in the most arduous duties of public life, and had passed through the various stations to which his country had called him, with unsullied honor and distinguished reputation: he now, therefore, determined to leave the scene of his glory while its brightness was unobscured by the unavoidable infirmities of age. Although the virtues and the fame of Mr. Jefferson shed a bright lustre around the evening of his days, there was yet one incident to obscure it, which, however painful, it would scarcely be proper to pass over without notice. In every age and in every country, it has been too often the lot of those who have devoted, with thoughtless generosity, to the service of their fellow-creatures the zeal of youth and the experience of maturer years, to find themselves at last, in their old age, doomed to poverty which they have no longer the ability to repel. An honorable poverty, incurred in the performance of public duties or private generosity, unsullied by extravagance and unattended by crime, will redound to the honor, never to the disgrace, of him who has the misfortune to endure it. With Mr. Jefferson

it is difficult to imagine how it could have been avoided. For more than forty years he had been actively engaged in public duties, generally at a distance from his own estate. In retiring from the exalted station he had enjoyed, he did not enter on a less conspicuous scene: he had become identified, as it were, with the greatness and glory of his country. He was the object of attraction to crowds of anxious and admiring guests, and unless by coldly closing his doors, it was impossible to limit the expenses he was thus obliged to incur. The full vigor of his mind remained unimpaired, at least until a very short period before he fell into the grave.

The year 1826, being the fiftieth since the establishment of our independence, it was determined universally throughout the United States to celebrate it as a jubilee with unusual rejoicing; preparations to this end were made in every part of the country, and all means were taken to impart to the celebration the dignity which was worthy of the country and the event. The citizens of Washington, the metropolis of the nation, invited Mr. Jefferson, as one of the signers of the Declaration of Independence, to unite with them in their festivities: this request he was obliged to decline; but the letter in which he signified his regret is left to us as a monument of his expiring greatness. On the twenty-fourth of June, when the hand of death was already upon him, he expressed in this letter all those characteristic sentiments which through life had so strongly marked him—the delight with which he looked back to the period when his country had made its glorious election between submission and the sword—the joy he felt in its consequent prosperity—the hope he indulged that the time would yet come when civil and religious freedom should bless all the world—the ardent wish he entertained that the return of this day should

keep fresh in us the recollection of our rights, and increase our devotion to them. He thus addresses the mayor of Washington:—

"Respected Sir: The kind invitation I received from you, on the part of the citizens of the city of Washington, to be present with them at their celebration of the fiftieth anniversary of American independence as one of the surviving signers of an instrument pregnant with our own and the fate of the world, is most flattering to myself, and heightened by the honorable accompaniment proposed for the comfort of such a journey. It adds sensibly to the sufferings of sickness to be deprived by it of a personal participation in the rejoicings of that day; but acquiescence under circumstances is a duty not placed among those we are permitted to control. I should, indeed, with peculiar delight, have met and exchanged these congratulations personally, with the small band, the remnant of the host of worthies who joined with us on that day, in the bold and doubtful election we were to make for our country between submission and the sword; and to have enjoyed with them the consolatory fact that our fellow-citizens, after half a century of experience and prosperity, continue to approve the choice we made. May it be to the world, what I believe it will be to some parts sooner, to others later, but finally to all, the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government. The form which we have substituted restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened or opening to the rights of man. The general spread of the lights of science has already laid open to every view the palpable truth, that the mass of mankind has not been

born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others; for ourselves, let the annual return of this day forever refresh our recollections of those rights, and an undiminished devotion to them.

"I will ask permission here to express the pleasure with which I should have met my ancient neighbors of the city of Washington and its vicinities, with whom I passed so many years of a pleasing social intercourse, an intercourse which so much relieved the anxieties of the public cares, and left impressions so deeply engraved in my affections as never to be forgotten. With my regret that ill health forbids me the gratification of an acceptance, be pleased to receive for yourself, and those for whom you write, the assurance of my highest respect and friendly attachment."

Soon after this letter was written, the indisposition of Mr. Jefferson assumed a more serious character. He had already lived beyond the limits ordinarily assigned to human existence, and for some months past, the whole tone of his conversation showed that he was looking forward to its termination, with a calmness and equanimity worthy of his past life. On the second of July, the complaint, with which he was afflicted, left him; but his physician expressed his fears that his strength might not prove sufficient to restore him from the debility to which it had reduced him. Conscious himself that he could not recover, and free from all bodily and apparently from all mental pain, he calmly gave directions relative to his coffin and interment, which he requested might be at Monticello, without parade or pomp. On Monday, the following day, he inquired of those around him with much solicitude, what was the day of the month; they told him it

was the third of July; he then eagerly expressed his desire that he might be permitted to live yet a little while, to breathe the air of the fiftieth anniversary. The wish was granted—the Almighty hand sustained him up to the very moment when his wish was complete. He then expired at ten minutes before one o'clock, on the fourth of July, 1826; within the same hour at which he affixed his name to the Declaration of Independence fifty years before, leaving an undying lustre upon his name.

SECOND ANNUAL MESSAGE,

DECEMBER 15, 1802.

To the Senate and House of Representatives of the United States:

When we assemble together, fellow-citizens, to consider the state of our beloved country, our just attentions are first drawn to those pleasing circumstances which mark the goodness of that Being from whose favor they flow, and the large measure of thankfulness we owe for his bounty. Another year has come round, and finds us still blessed with peace and friendship abroad; law, order, and religion at home; good affection and harmony with our Indian neighbors; our burdens lightened, yet our income sufficient for the public wants, and the produce of the year great beyond example. These, fellow-citizens, are the circumstances under which we meet; and we remark with special satisfaction those which, under the smile of Providence, result from the skill, industry, and order of our citizens, managing their own affairs in their own way, and for their own use, unembarrassed by too much regulations, unoppressed by fiscal exactions.

On the restoration of peace in Europe, that portion of the general carrying trade which had fallen to our share

during the war, was abridged by the returning competition of the belligerent powers. This was to be expected, and was just. But, in addition, we find in some parts of Europe monopolizing discriminations, which, in the form of duties, tend effectually to prohibit the carrying thither our own produce in our own vessels. From existing amities, and a spirit of justice, it is hoped that friendly discussion will produce a fair and adequate reciprocity. But should false calculations of interest defeat our hope, it rests with the legislature to decide whether they will meet inequalities abroad with countervailing inequalities at home, or provide for the evil in any other way.

It is with satisfaction I lay before you an act of the British parliament, anticipating this subject so far as to authorize a mutual abolition of the duties and countervailing duties, permitted under the treaty of 1794. It shows, on their part, a spirit of justice and friendly accommodation, which it is our duty and our interest to cultivate with all nations. Whether this would produce a due equality in the navigation between the two countries, is a subject for your consideration.

Another circumstance which claims attention, as directly affecting the very source of our navigation, is the defect or the evasion of the law providing for the return of seamen, and particularly of those belonging to vessels sold abroad. Numbers of them, discharged in foreign ports, have been thrown on the hands of our consuls, who, to rescue them from the dangers into which their distresses might plunge them, and save them to their country, have found it necessary, in some cases, to return them at the public charge.

The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations, which will doubtless have just weight in any deliberations of the legislature connected with that subject.

There was reason, not long since, to apprehend that the warfare in which we were engaged with Tripoli might be taken up by some others of the Barbary powers. A reinforcement, therefore, was immediately ordered to the

vessels already there. Subsequent information, however, has removed these apprehensions for the present. To secure our commerce in that sea with the smallest force competent, we have supposed it best to watch strictly the harbor of Tripoli. Still, however, the shallowness of their coast, and the want of smaller vessels on our part, has permitted some cruisers to escape unobserved; and to one of these an American vessel unfortunately fell a prey. The captain, one American seaman, and two others of color, remain prisoners with them, unless exchanged under an agreement formerly made with the bashaw, to whom, on the faith of that, some of his captive subjects had been restored.

The convention with the state of Georgia has been ratified by their legislature, and a purchase from the Creeks has been consequently made, of a part of the Talahasse country. In this purchase has been also comprehended a part of the lands within the fork of Oconee and Oakmulgee rivers. The particulars of the contract will be laid before Congress as soon as they shall be in a state for communication.

In order to remove every ground of difference possible with our Indian neighbors, I have proceeded in the work of settling with them, and marking the boundaries between us. That with the Choctaw nation is fixed in one part, and will be through the whole within a short time. The country to which their title had been extinguished before the revolution is sufficient to receive a very respectable population, which Congress will probably see the expediency of encouraging, so soon as the limits shall be declared. We are to view this position as an outpost of the United States, surrounded by strong neighbors, and distant from its support. And how far that monopoly, which prevents population, should be guarded against, and actual habitation made a condition of the continuance of title, will be for your consideration. A prompt settlement too of all existing rights and claims within this territory, presents itself as a preliminary operation.

In that part of the Indiana territory which includes Vincennes, the lines settled with the neighboring tribes

fix the extinction of their title at a breadth of twenty-four leagues from east to west, and about the same length, parallel with and including the Wabash. They have also ceded a tract of four miles square, including the Salt Springs, near the mouth of that river.

In the department of finance, it is with pleasure I inform you that the receipts of external duties, for the last twelve months have exceeded those of any former year, and that the ratio of increase has been also greater than usual. This has enabled us to answer all the regular exigencies of government, to pay from the treasury, within one year, upwards of eight millions of dollars principal and interest, of the public debt, exclusive of upwards of one million paid by the sale of bank stock, and making in the whole a reduction of nearly five millions and a half of principal, and to have now in the treasury four millions and a half of dollars, which are in a course of application to the further discharge of debt and current demands. Experience too, so far, authorizes us to believe, if no extraordinary event supervenes, and the expenses which will be actually incurred shall not be greater than were contemplated by Congress at their last session, that we shall not be disappointed in the expectations then formed. But nevertheless, as the effect of peace on the amount of duties is not yet fully ascertained, it is the more necessary to practise every useful economy, and to incur no expense which may be avoided without prejudice.

The collection of internal taxes having been completed in some of the states, the officers employed in it are of course out of commission. In others they will be so shortly; but in a few, where the arrangements for the direct tax had been retarded, it will still be some time before the system is closed. It has not yet been thought necessary to employ the agent authorized by an act of the last session, for transacting business in Europe relative to debts and loans. Nor have we used the power, confided by the same act, of prolonging the foreign debt by re-loans, and of redeeming, instead thereof, an equal sum of the domestic debt. Should, however, the difficulties of remittance on so large a scale render it neces-

sary at any time, the power shall be executed, and the money thus unemployed abroad shall, in conformity with that law, be faithfully applied here in an equivalent extinction of domestic debt. When effects so salutary result from the plans you have already sanctioned, when merely by avoiding false objects of expense, we are able, without a direct tax, without internal taxes, and without borrowing, to make large and effectual payments towards the discharge of our public debt, and the emancipation of our posterity from that moral canker, it is an encouragement, fellow-citizens, of the highest order, to proceed as we have begun in substituting economy for taxation, and in pursuing what is useful for a nation placed as we are, rather than what is practised by others under different circumstances. And whensoever we are destined to meet events which shall call forth all the energies of our countrymen, we have the firmest reliance on those energies, and the comfort of leaving for calls like these the extraordinary resources of loans and internal taxes. In the mean time, by payments of the principal of our debt, we are liberating, annually, portions of the external taxes, and forming from them a growing fund, still further to lessen the necessity of recurring to extraordinary resources.

The usual accounts of receipts and expenditures for the last year, with an estimate of the expenses of the ensuing one, will be laid before you by the secretary of the treasury.

No change being deemed necessary in our military establishment, an estimate of its expenses for the ensuing year, on its present footing, as also of the sums to be employed in fortifications and other projects within that department, has been prepared by the secretary of war, and will make a part of the general estimates which will be presented to you.

Considering that our regular troops are employed for local purposes, and that our militia is our general reliance for great and sudden emergencies, you will doubtless think this institution worthy of a review, and give it those improvements of which you find it susceptible.

Estimates for the naval department, prepared by the

secretary of the navy, for another year, will, in like manner, be communicated with the general estimates. A small force in the Mediterranean will still be necessary to restrain the Tripoline cruisers; and the uncertain tenure of peace with some other of the Barbary powers may eventually require that force to be augmented. The necessity of procuring some smaller vessels for that service will raise the estimate; but the difference in their maintenance will soon make it a measure of economy.

Presuming it will be deemed expedient to expend annually a convenient sum towards providing the naval defence which our station may require, I cannot but recommend that the first appropriations for that purpose may go to the saving what we already possess. No cares, no attentions, can preserve vessels from rapid decay which lie in water, and exposed to the sun. These decays require great and constant repairs, and will consume, if continued, a great portion of the money destined to naval purposes. To avoid this waste of our resources, it is proposed to add to our navy yard here a dock, within which our present vessels may be laid up dry, and under cover from the sun. Under these circumstances, experience proves that works of wood will remain scarcely at all affected by time. The great abundance of running water which this situation possesses, at heights far above the level of the tide, if employed as is practised for lock navigation, furnishes the means for raising and laying up our vessels on a dry and sheltered bed. And should the measure be found useful here, similar depositories for laying up, as well as for building and repairing vessels, may hereafter be undertaken at other navy yards offering the same means. The plans and estimates of the work, prepared by a person of skill and experience, will be presented to you without delay; and from this it will be seen that scarcely more than has been the cost of one vessel is necessary to save the whole, and that the annual sum to be employed towards its completion may be adapted to the views of the legislature as to naval expenditure.

To cultivate peace, and maintain commerce and navi-

gation in all their lawful enterprises; to foster our fisheries as nurseries of navigation and for the nurture of man, and protect the manufactures adapted to our circumstances; to preserve the faith of the nation by an exact discharge of its debts and contracts, expend the public money with the same care and economy we would practise with our own, and impose on our citizens no unnecessary burdens; to keep, in all things, within the pale of our constitutional powers, and cherish the federal union as the only rock of safety: these, fellow-citizens, are the landmarks by which we are to guide ourselves in all our proceedings.

By continuing to make these the rule of our action, we shall endear to our countrymen the true principles of their constitution, and promote a union of sentiment and of action, equally auspicious to their happiness and safety. On my part you may count on a cordial concurrence in every measure for the public good, and on all the information I possess which may enable you to discharge to advantage the high functions with which you are invested by your country.

SPECIAL MESSAGE,

JANUARY 28, 1802.

Gentlemen of the Senate,
and House of Representatives:

I lay before you the accounts of our Indian trading-houses, as rendered up to the 1st day of January, 1801, with a report of the secretary of war thereon, explaining the effects and the situation of that commerce, and the reasons in favor of its further extension. But it is believed that the act authorizing this trade expired so long ago as the 3d of March, 1799. Its revival, therefore, as well as its extension, is submitted to the consideration of the legislature.

The act regulating trade and intercourse with the In-

dian tribes will also expire on the third day of March next. While on the subject of its continuance, it will be worthy the consideration of the legislature, whether the provisions of the law inflicting on Indians, in certain cases, the punishment of death by hanging, might not permit its commutation into death by military execution; the form of the punishment in the former way being peculiarly repugnant to their ideas, and increasing the obstacles to the surrender of the criminal.

These people are becoming very sensible of the baneful effects produced on their morals, their health, and existence, by the use of ardent spirits, and some of them earnestly desire a prohibition of that article from being carried among them. The legislature will consider whether the effectuating that desire would not be in the spirit of benevolence and liberality which they have hitherto practised towards these our neighbors, and which has had so happy an effect towards conciliating their friendship. It has been found, too, in experience, that the same abuse gives frequent rise to incidents tending much to commit our peace with the Indians.

It is now become necessary to run and mark the boundaries between them and us in various parts. The law last mentioned has authorized this to be done, but no existing appropriation meets the expense.

Certain papers explanatory of the grounds of this communication are herewith enclosed.

THIRD ANNUAL MESSAGE

OCTOBER 17, 1803.

To the Senate and House of Representatives of the United States:

In calling you together, fellow-citizens, at an earlier day than was contemplated by the act of the last session of Congress, I have not been insensible to the personal inconveniences necessarily resulting from an unexpected

change in your arrangements. But matters of great public concernment have rendered this call necessary, and the interest you feel in these will supersede, in your minds, all private considerations.

Congress witnessed, at the late session, the extraordinary agitation produced in the public mind by the suspension of our right of deposit at the port of New Orleans, no assignment of another place having been made according to treaty. They were sensible that the continuance of that privation would be more injurious to our nation than any consequences which could flow from any mode of redress; but reposing just confidence in the good faith of the government whose officer had committed the wrong, friendly and reasonable representations were resorted to, and the right of deposit was restored.

Previous, however, to this period, we had not been unaware of the danger to which our peace would be perpetually exposed, whilst so important a key to the commerce of the western country remained under foreign power. Difficulties, too, were presenting themselves as to the navigation of other streams, which, arising within our territories, pass through those adjacent. Propositions had therefore been authorized for obtaining, on fair conditions, the sovereignty of New Orleans and of other possessions in that quarter, interesting to our quiet, to such extent as was deemed practicable; and the provisional appropriation of two millions of dollars, to be applied and accounted for by the President of the United States, intended as part of the price, was considered as conveying the sanction of Congress to the acquisition proposed. The enlightened government of France saw, with just discernment, the importance to both nations of such liberal arrangement, as might best and permanently promote the peace, interests, and friendship of both; and the property and sovereignty of all Louisiana, which had been restored to them, has, on certain conditions, been transferred to the United States, by instruments bearing date the 30th of April last. When these shall have received the constitutional sanction of the Senate, they will, without delay, be communicated to their representatives for the exercise of their functions, as to those conditions

which are within the powers vested by the constitution in Congress. Whilst the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the western states, and an uncontrolled navigation through their whole course, free from collision with other powers, and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise, in due season, important aids to our treasury, an ample provision for our posterity, and a wide spread for the blessings of freedom and equal laws.

With the wisdom of Congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the change of government a blessing to our newly adopted brethren; for securing to them the rights of conscience and of property; for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them; and for ascertaining the geography of the country acquired. Such materials for your information, relative to its affairs in general, as the short space of time has permitted me to collect, will be laid before you when the subject shall be in a state for your consideration.

Another important acquisition of territory has also been made since the last session of Congress. The friendly tribe of Kaskaskia Indians, with which we have never had a difference, reduced by the wars and wants of savage life to a few individuals, unable to defend themselves against the neighboring tribes, has transferred its country to the United States, reserving only for its members what is sufficient to maintain them in an agricultural way. The considerations stipulated are, that we shall extend to them our patronage and protection, and give them certain annual aids, in money, in implements of agriculture, and other articles of their choice. This country, among the most fertile within our limits, extending along the Mississippi from the mouth of the Illinois to and up the Ohio, though not so necessary as a barrier since the acquisition of the other bank, may yet be well worthy of being laid open to immediate settlement, as its inhabitants may de-

scend with rapidity in support of the lower country, should future circumstances expose that to foreign enterprise. As the stipulations in this treaty also involve matters within the competence of both houses only, it will be laid before Congress as soon as the Senate shall have advised its ratification.

With many of the other Indian tribes improvements in agriculture and household manufactures are advancing; and, with all, our peace and friendship are established on grounds much firmer than heretofore. The measure adopted of establishing trading houses among them, and of furnishing them necessaries in exchange for their commodities at such moderate prices as leave no gain, but cover us from loss, has the most conciliatory and useful effect on them, and is that which will best secure their peace and good will.

The small vessels authorized by Congress with a view to the Mediterranean service, have been sent into that sea, and will be able more effectually to confine the Tripoline cruisers within their harbors, and supersede the necessity of convoy to our commerce in that quarter. They will sensibly lessen the expenses of that service the ensuing year.

A further knowledge of the ground in the north-eastern and north-western angles of the United States, has evinced that the boundaries established by the treaty of Paris between the British territories and ours in those parts, were too imperfectly described to be susceptible of execution. It has therefore been thought worthy of attention, for preserving and cherishing the harmony and useful intercourse subsisting between the two nations, to remove, by timely arrangements, what unfavorable incidents might otherwise render a ground of future misunderstanding. A convention has therefore been entered into, which provides for a practicable demarkation of those limits, to the satisfaction of both parties.

An account of the receipts and expenditures of the year ending 30th September last, with the estimates for the service of the ensuing year, will be laid before you by the secretary of the treasury, so soon as the receipts of the last quarter shall be returned from the more dis-

tant states. It is already ascertained that the amount paid into the treasury for that year has been between eleven and twelve millions of dollars; and that the revenue accrued, during the same term, exceeds the sum counted on as sufficient for our current expenses, and to extinguish the public debt within the period heretofore proposed.

The amount of debt paid for the same year is about three millions one hundred thousand dollars, exclusive of interest, and making, with the payment of the preceding year, a discharge of more than eight millions and a half of dollars of the principal of that debt, besides the accruing interest; and there remain in the treasury nearly six millions of dollars. Of these, eight hundred and eighty thousand have been reserved for payment of the first instalment due under the British convention of January 8th, 1802, and two millions are what have been before mentioned as placed by Congress, under the power and accountability of the President, towards the price of New Orleans and other territories acquired, which, remaining untouched, are still applicable to that object, and go in diminution of the sum to be funded for it.

Should the acquisition of Louisiana be constitutionally confirmed and carried into effect, a sum of nearly thirteen millions of dollars will then be added to our public debt, most of which is payable after fifteen years; before which term, the present existing debts will all be discharged by the established operation of the sinking fund. When we contemplate the ordinary annual augmentation of impost from increasing population and wealth, the augmentation of the same revenue by its extension to the new acquisition, and the economies which may still be introduced into our public expenditures, I cannot but hope that Congress, in reviewing their resources, will find means to meet the intermediate interest of this additional debt, without recurring to new taxes; and applying to this object only the ordinary progression of our revenue, its extraordinary increase in times of foreign war will be the proper and sufficient fund for any measures of safety or precaution which that state of things may render necessary in our neutral position.

Remittances for the instalments of our foreign debt having been found practicable without loss, it has not been thought expedient to use the power, given by a former act of Congress, of continuing them by re-loans, and of redeeming, instead thereof, equal sums of domestic debt, although no difficulty was found in obtaining that accommodation.

The sum of fifty thousand dollars appropriated by Congress for providing gun-boats, remains unexpended. The favorable and peaceable turn of affairs on the Mississippi rendered an immediate execution of that law unnecessary; and time was desirable in order that the institution of that branch of our force might begin on models the most approved by experience. The same issue of events dispensed with a resort to the appropriation of a million and a half of dollars contemplated for purposes which were effected by happier means.

We have seen with sincere concern the flames of war lighted up again in Europe, and nations, with which we have the most friendly and useful relations, engaged in mutual destruction. While we regret the miseries in which we see others involved, let us bow with gratitude to that kind Providence, which, inspiring with wisdom and moderation our late legislative councils, while placed under the urgency of the greatest wrongs, guarded us from hastily entering into the sanguinary contest, and left us only to look on and to pity its ravages. These will be heaviest on those immediately engaged. Yet the nations pursuing peace will not be exempt from all evil. In the course of this conflict, let it be our endeavor, as it is our interest and desire, to cultivate the friendship of the belligerent nations by every act of justice and of innocent kindness; to receive their armed vessels with hospitality from the distress of the sea, but to administer the means of annoyance to none; to establish in our harbors such a police as may maintain law and order; to restrain our citizens from embarking individually in a war in which their country takes no part; to punish severely those persons, citizen or alien, who shall usurp the cover of our flag for vessels not entitled to it, infecting thereby with suspicion those of real Americans, and com-

mitting us into controversies for the redress of wrongs not our own; to exact from every nation the observance, towards our vessels and citizens, of those principles and practices which all civilized people acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong. Congress will consider whether the existing laws enable us efficaciously to maintain this course with our citizens in all places, and with others while within the limits of our jurisdiction; and will give them the new modifications necessary for these objects. Some contraventions of right have already taken place, both within our jurisdictional limits and on the high seas. The friendly disposition of the governments from whose agents they have proceeded, as well as their wisdom and regard for justice, leave us in reasonable expectation that they will be rectified, and prevented in future; and that no act will be countenanced by them which threatens to disturb our friendly intercourse. Separated by a wide ocean from the nations of Europe, and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them, and theirs to us, it cannot be the interest of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular blessings of the position in which nature has placed us; the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness; of cultivating general friendship, and of bringing collisions of interest to the umpire of reason rather than of force. How desirable then must it be, in a government like ours, to see its citizens adopt, individually, the views, the interests, and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships, and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow-citizens, that you will duly estimate the importance of neutral dispositions towards the observance of neutral conduct, that you will be sensible how much it is our duty to look on the bloody arena spread before us, with

commiseration, indeed, but with no other wish than to see it closed. I am persuaded you will cordially cherish these dispositions in all discussions among yourselves, and in all communications with your constituents; and I anticipate with satisfaction the measures of wisdom which the great interests now committed to *you* will give you an opportunity of providing, and *myself* that of approving and carrying into execution with the fidelity I owe to my country.

SPECIAL MESSAGE,

NOVEMBER 4, 1803.

To the Senate and House of Representatives of the United States:

By the copy now communicated of a letter from Captain Bainbridge, of the Philadelphia frigate, to our consul at Gibraltar, you will learn that an act of hostility has been committed on a merchant vessel of the United States by an armed ship of the emperor of Morocco. This conduct on the part of that power is without cause, and without explanation. It is fortunate that Captain Bainbridge fell in with and took the capturing vessel and her prize; and I have the satisfaction to inform you that about the date of this transaction, such a force would be arriving in the neighborhood of Gibraltar, both from the east and the west, as leaves less to be feared for our commerce from the suddenness of the aggression.

On the 4th of September, the Constitution frigate, Captain Preble, with Mr. Lear on board, was within two days' sail of Gibraltar, where the Philadelphia would then be arrived with her prize; and such explanations would probably be instituted as the state of things required, and as might perhaps arrest the progress of hostilities.

In the mean while, it is for Congress to consider the provisional authorities which may be necessary to restrain the depredations of this power, should they be continued.

SPECIAL MESSAGE,

DECEMBER 5, 1803.

To the Senate and House of Representatives of the United States:

I have the satisfaction to inform you that the act of hostility, mentioned in my message of the 4th of November, to have been committed by a cruiser of the emperor of Morocco on a vessel of the United States, has been disavowed by the emperor. All differences in consequence thereof have been amicably adjusted, and the treaty of 1786, between this country and that, has been recognized and confirmed by the emperor, each party restoring to the other what had been detained or taken. I enclose the emperor's orders on this occasion.

The conduct of our officers generally, who have had a part in these transactions, has merited entire approbation.

The temperate and correct course pursued by our consul, Mr. Simpson, the promptitude and energy of Commodore Preble, the efficacious co-operation of Captains Rodgers and Campbell of the returning squadron, the proper decision of Captain Bainbridge, that a vessel which had committed an open hostility, was of right to be detained for inquiry and consideration, and the general zeal of the other officers and men, are honorable facts, which I make known with pleasure. And to these I add, what was indeed transacted in another quarter, the gallant enterprise of Captain Rodgers, in destroying, on the coast of Tripoli, a corvette of that power, of twenty-two guns.

I recommend to the consideration of Congress a just indemnification for the interest acquired by the captors of the Mishouda and Mirboha, yielded by them for the public accommodation.

FOURTH ANNUAL MESSAGE,

NOVEMBER 8, 1804.

To the Senate and House of Representatives of the United States:

To a people, fellow-citizens, who sincerely desire the happiness and prosperity of other nations, to those who justly calculate that their own well-being is advanced by that of the nations with which they have intercourse, it will be a satisfaction to observe, that the war which was lighted up in Europe a little before our last meeting has not yet extended its flames to other nations, nor been marked by the calamities which sometimes stain the footsteps of war. The irregularities, too, on the ocean, which generally harass the commerce of neutral nations, have, in distant parts, disturbed ours less than on former occasions. But, in the American seas, they have been greater from peculiar causes; and even within our harbors and jurisdiction, infringements on the authority of the laws have been committed, which have called for serious attention. The friendly conduct of the governments from whose officers and subjects these acts have proceeded, in other respects, and in places more under their observation and control, gives us confidence that our representations on this subject will have been properly regarded.

While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted, nor left unprovided for. Complaints have been received that persons, residing within the United States, have taken on themselves to arm merchant vessels, and to force a commerce into certain ports and countries, in defiance of the laws of those countries. That individuals should undertake to wage private war, independently of the authority of their country, cannot be permitted in a well-ordered society. Its tendency to produce aggression on the laws and rights of other nations, and to endanger the peace of our own, is so obvious, that I doubt not you will adopt measures for restraining it effectually in future.

Soon after the passage of the act of the last session, authorizing the establishment of a district and port of entry on the waters of the Mobile, we learnt that its object was misunderstood on the part of Spain. Candid explanations were immediately given, and assurances that, reserving our claims in that quarter as a subject of discussion and arrangement with Spain, no act was meditated in the mean time inconsistent with the peace and friendship existing between the two nations, and that conformable to these intentions would be the execution of the law. That government had, however, thought proper to suspend the ratification of the convention of 1802. But the explanations which would reach them soon after, and still more the confirmation of them by the tenor of the instrument establishing the port and district, may reasonably be expected to replace them in the dispositions and views of the whole subject which originally dictated the convention.

I have the satisfaction to inform you that the objections which had been urged by that government against the validity of our title to the country of Louisiana have been withdrawn; its exact limits, however, remaining still to be settled between us. And to this is to be added, that, having prepared and delivered the stock created in execution of the convention in Paris, of April 30th, 1803, in consideration of the cession of that country, we have received from the government of France an acknowledgment, in due form, of the fulfilment of that stipulation.

With the nations of Europe, in general, our friendship and intercourse are undisturbed, and from the governments of the belligerent powers especially, we continue to receive those friendly manifestations which are justly due to an honest neutrality, and to such good offices consistent with that as we have opportunities of rendering.

The activity and success of the small force employed in the Mediterranean in the early part of the present year, the reinforcements sent into that sea, and the energy of the officers having command in the several vessels, will I trust, by the sufferings of war, reduce the barbarians of Tripoli to the desire of peace on proper terms. Great injury, however, ensues to ourselves, as well as to others

interested, from the distance to which prizes must be brought for adjudication, and from the impracticability of bringing hither such as are not seaworthy.

The bey of Tunis having made requisitions unauthorized by our treaty, their rejection has produced from him some expressions of discontent. But to those who expect us to calculate whether a compliance with unjust demands will not cost us less than a war, we must leave as a question of calculation for them also, whether to retire from unjust demands will not cost them less than a war. We can do to each other very sensible injuries by war; but the mutual advantages of peace make that the best interest of both.

Peace and intercourse with the other powers on the same coast continue on the footing on which they are established by treaty.

In pursuance of the act providing for the temporary government of Louisiana, the necessary officers for the territory of Orleans were appointed in due time, to commence the exercise of their functions on the first day of October. The distance, however, of some of them, and indispensable previous arrangements, may have retarded its commencement in some of its parts; the form of government thus provided having been considered but as temporary, and open to such future improvements as further information of the circumstances of our brethren there might suggest, it will of course be subject to your consideration.

In the district of Louisiana it has been thought best to adopt the division into subordinate districts which had been established under its former government. These being five in number, a commanding officer has been appointed to each, according to the provisions of the law, and so soon as they can be at their station, that district will also be in its due state of organization; in the mean time their places are supplied by the officers before commanding there. The functions of the governor and judges of Indiana have commenced; the government, we presume, is proceeding in its new form. The lead mines in that territory offer so rich a supply of that metal as to merit attention. The report now communicated will in-

form you of their state, and of the necessity of immediate inquiry into their occupation and title.

With the Indian tribes established within our newly acquired limits, I have deemed it necessary to open conferences for the purpose of establishing a good understanding and neighborly relations between us. So far as we have yet learned, we have reason to believe that their dispositions are generally favorable and friendly, and, with these dispositions on their part, we have in our own hands means which cannot fail us for preserving their peace and friendship. By pursuing a uniform course of justice towards them, by aiding them in all the improvements which may better their condition, and especially by establishing a commerce on terms which shall be advantageous to them, and only not losing to us, and so regulated as that no incendiaries of our own or any other nation, may be permitted to disturb the natural effects of our just and friendly offices, we may render ourselves so necessary to their comfort and prosperity, that the protection of our citizens from their disorderly members will become their interest and their voluntary care. Instead, therefore, of an augmentation of military force proportioned to our extension of frontier, I propose a moderate enlargement of the capital employed in that commerce, as a more effectual, economical, and humane instrument for preserving peace and good neighborhood with them.

On this side of the Mississippi an important relinquishment of native title has been received from the Delewares. That tribe, desiring to extinguish in their people the spirit of hunting, and to convert superfluous lands into the means of improving what they retain, has ceded to us all the country between the Wabash and Ohio, south of and including the road from the rapids towards Vincennes; for which they are to receive annuities in animals and implements for agriculture, and in other necessaries. This acquisition is important, not only for its extent and fertility, but as fronting three hundred miles on the Ohio, and near half that on the Wabash; the produce of the settled countries descending those rivers will no longer pass in review of the Indian frontier but in a

small portion; and with the cession heretofore made by the Kaskaskias, nearly consolidates our possessions north of the Ohio in a very respectable breadth, from Lake Erie to the Mississippi. The Piankeshaws having some claim to the country ceded by the Delawares, it has been thought best to quiet that by fair purchase also. So soon as the treaties on this subject shall have received their constitutional sanctions, they shall be laid before both houses.

The act of Congress of February 28, 1803, for building and employing a number of gun-boats, is now in a course of execution to the extent there provided for. The obstacle to naval enterprise which vessels of this construction offer for our seaport towns; their utility towards supporting within our waters the authority of the laws; the promptness with which they will be manned by the seamen and militia of the place in the moment they are wanting; the facility of their assembling from different parts of the coast to any point where they are required in greater force than ordinary; the economy of their maintenance and preservation from decay when not in actual service; and the competence of our finances to this defensive provision, without any new burden, are considerations which will have due weight with Congress in deciding on the expediency of adding to their number from year to year, as experience shall test their utility, until all our important harbors, by these and auxiliary means, shall be secured against insult and opposition to the laws.

No circumstance has arisen since your last session which calls for any augmentation of our regular military force. Should any improvement occur in the militia system, that will be always seasonable.

Accounts of the receipts and expenditures of the last year, with estimates for the ensuing one, will, as usual, be laid before you.

The state of our finances continue to fulfil our expectations. Eleven millions and a half of dollars, received in the course of the year ending the 30th of September last, have enabled us, after meeting all the ordinary expenses of the year, to pay upwards of $3,600,000 of the

public debt, exclusive of interest. This payment, with those of the two preceding years, has extinguished upwards of twelve millions of the principal, and a greater sum of interest, within that period; and, by a proportional diminution of interest, renders already sensible the effect of the growing sum yearly applicable to the discharge of the principal.

It is also ascertained that the revenue accrued during the last year exceeds that of the preceding; and the probable receipts of the ensuing year may safely be relied on as sufficient, with the sum already in the treasury, to meet all the current demands of the year, to discharge upwards of three millions and a half of the engagements incurred under the British and French conventions, and to advance in the further redemption of the funded debts as rapidly as had been contemplated. These, fellow-citizens, are the principal matters which I have thought it necessary at this time to communicate for your consideration and attention. Some others will be laid before you in the course of the session; but, in the discharge of the great duties confided to you by our country, you will take a broader view of the field of legislation: whether the great interests of agriculture, manufactures, commerce, or navigation can, within the pale of your constitutional powers, be aided in any of their relations; whether laws are provided in all cases where they are wanting; whether those provided are exactly what they should be; whether any abuses take place in their administration, or in that of the public revenues; whether the organization of the public agents, or of the public force, is perfect in all its parts: in fine, whether any thing can be done to advance the general good, are questions within the limits of your functions, which will necessarily occupy your attention. In these and other matters which you in your wisdom may propose for the good of our country, you may count with assurance on my hearty co-operation and faithful execution.

FIFTH ANNUAL MESSAGE,

DECEMBER 3, 1805.

To the Senate, and House of Representatives of the United States:

At a moment when the nations of Europe are in commotion, and arming against each other, and when those with whom we have principal intercourse are engaged in the general contest, and when the countenance of some of them towards our peaceable country threatens that even that may not be unaffected by what is passing on the general theatre, a meeting of the representatives of the nation in both houses of Congress has become more than usually desirable. Coming from every section of our country, they bring with them the sentiments and the information of the whole, and will be enabled to give a direction to the public affairs which the will and the wisdom of the whole will approve and support.

In taking a view of the state of our country, we, in the first place, notice the late affliction of two of our cities under the fatal fever which, in latter times, has occasionally visited our shores. Providence, in his goodness, gave it an early termination on this occasion, and lessened the number of victims which have usually fallen before it. In the course of the several visitations by this disease, it has appeared that it is strictly local, incident to the cities and on the tide waters only, incommunicable in the country, either by persons under the disease, or by goods carried from diseased places; that its access is with the autumn, and it disappears with the early frosts. These restrictions within narrow limits of time and space give security even to our maritime cities during three fourths of the year, and to the country always. Although from these facts it appears unnecessary, yet to satisfy the fears of foreign nations, and cautions on their part, not to be complained of in a danger whose limits are unknown to them, I have strictly enjoined on the officers at the head of the customs to certify, with exact truth, for every vessel sailing for a foreign port, the state of health

respecting this fever which prevails at the place from which she sails. Under every motive from character and duty to certify the truth, I have no doubt they have faithfully executed this injunction. Much real injury has, however, been sustained, from a propensity to identify with this epidemic, and to call by the same name, fevers of very different kinds, which have been known at all times and in all countries, and never have been placed among those deemed contagious. As we advance in our knowledge of this disease, as facts develop the source from which individuals receive it, the state authorities charged with the care of the public health, and Congress with that of the general commerce, will become able to regulate with effect their respective functions in these departments. The burden of quarantine is felt at home as well as abroad; their efficacy merits examination. Although the health laws of the state should be found to need no present revisal by Congress, yet commerce claims that their attention be ever awake to them.

Since our last meeting, the aspect of our foreign relations has considerably changed. Our coasts have been infested and our harbors watched by private armed vessels, some of them without commissions, some with illegal commissions, others with those of legal form, but committing piratical acts beyond the authority of their commissions. They have captured in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off under pretence of legal adjudication; but not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places, where no evidence could arise against them; maltreated the crews, and abandoned them in boats in the open sea, or on desert shores, without food or covering. These enormities appearing to be unreached by any control of their sovereigns, I found it necessary to equip a force to cruise within our own seas, to arrest all vessels of these descriptions found hovering on our coasts, within the limits of the Gulf Stream, and to bring the offenders in for trial as pirates.

The same system of hovering on our coasts and har-

bors, under color of seeking enemies, has been also carried on by public armed ships, to the great annoyance and oppression of our commerce. New principles, too, have been interpolated into the law of nations, founded neither in justice nor the usage or acknowledgment of nations. According to these, a belligerent takes to itself a commerce with its own enemy, which it denies to a neutral, on the ground of its aiding that enemy in the war. But reason revolts at such an inconsistency, and the neutral, having an equal right with the belligerent to decide the question, the interests of our constituents, and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine so injurious to the rights of peaceable nations. Indeed, the confidence we ought to have in the justice of others, still countenances the hope that a sounder view of those rights will, of itself, induce from every belligerent a more correct observance of them.

With Spain our negotiations for a settlement of differences have not had a satisfactory issue. Spoliations during a former war, for which she had formerly acknowledged herself responsible have been refused to be compensated, but on conditions affecting other claims in no wise connected with them. Yet the same practices are renewed in the present war, and are already of great amount. On the Mobile, our commerce passing through that river continues to be obstructed by arbitrary duties and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While, however, the right is unsettled, we have avoided changing the state of things by taking new posts, or strengthening ourselves in the disputed territories, in the hope that the other power would not, by contrary conduct, oblige us to meet their example, and endanger conflicts of authority, the issue of which may not be easily controlled. But in this hope we have now reason to lessen our confidence. Inroads have been recently made into the territories of Orleans and the Mississippi, our citizens have been seized and their property plundered in the very parts of the former which had been actually

delivered up by Spain, and this by the regular officers and soldiers of that government. I have therefore found it necessary, at length, to give orders to our troops on that frontier to be in readiness to protect our citizens, and to repel by arms any similar aggressions in future. Other details, necessary for your full information of the state of things between this country and that, shall be the subject of another communication. In reviewing these injuries from some of the belligerent powers, the moderation, the firmness, the wisdom of the legislature, will all be called into action. We ought still to hope that time and a more correct estimate of interest, as well as of character, will produce the justice we are bound to expect. But should any nation deceive itself by false calculations, and disappoint that expectation, we must join in the unprofitable contest of trying which party can do the other the most harm. Some of these injuries may perhaps admit a peaceable remedy. Where that is competent, it is always the most desirable. But some of them are of a nature to be met by force only, and all of them may lead to it. I cannot, therefore, but recommend such preparations as circumstances call for. The first object is to place our seaport towns out of the danger of insult. Measures have been already taken for furnishing them with heavy cannon for the service of such land batteries as may make a part of their defence against armed vessels approaching them. In aid of these it is desirable we should have a competent number of gunboats; and the number, to be competent, must be considerable. If immediately begun, they may be in readiness for service at the opening of the next season. Whether it will be necessary to augment our land forces will be decided by occurrences probably in the course of your session. In the mean time, you will consider whether it would not be expedient, for a state of peace as well as of war, so to organize or class the militia, as would enable us, on any sudden emergency, to call for the services of the younger portions, unincumbered with the old, and those having families. Upwards of three hundred thousand able-bodied men, between the ages of eighteen and twenty-six years, which the last census

shows we may now count within our limits, will furnish a competent number for offence or defence, in any point where they may be wanted, and will give time for raising regular forces after the necessity of them shall become certain; and the reducing to the early period of life all its active service cannot but be desirable to our younger citizens, of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I cannot, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps, fit for real and active service, and to be called to it in regular rotation.

Considerable provision has been made, under former authorities from Congress, of materials for the construction of ships of war of seventy-four guns. These materials are on hand, subject to the further will of the legislature.

An immediate prohibition of the exportation of arms and ammunition is also submitted to your determination.

Turning from these unpleasant views of violence and wrong, I congratulate you on the liberation of our fellow-citizens who were stranded on the coast of Tripoli, and made prisoners of war. In a government bottomed on the will of all, the life and liberty of every individual citizen becomes interesting to all. In the treaty, therefore, which has concluded our warfare with that state, an article for the ransom of our citizens has been agreed to. An operation by land, by a small band of our countrymen, and others engaged for the occasion, in conjunction with the troops of the ex-bashaw of that country, gallantly conducted by our late consul Eaton, and their successful enterprise on the city of Derne, contributed, doubtless, to the impression which produced peace; and the conclusion of this prevented opportunities of which the officers and men of our squadron, destined for Tripoli, would have availed themselves, to emulate the acts of valor exhibited by their brethren in the attack of last year. Reflecting with high satisfaction on the distin-

guished bravery displayed, whenever occasion permitted, in the Mediterranean service, I think it would be a useful encouragement, as well as a just reward, to make an opening for some present promotion, by enlarging our peace establishment of captains and lieutenants.

With Tunis some misunderstandings have arisen, not yet sufficiently explained, but friendly discussions with their ambassador, recently arrived, and a mutual disposition to do whatever is just and reasonable, cannot fail of dissipating these. So that we may consider our peace on that coast, generally, to be on as sound a footing as it has been at any preceding time. Still, it will not be expedient to withdraw, immediately, the whole of our force from that sea.

The law for providing a naval peace establishment, fixes the number of frigates which shall be kept in constant service in time of peace, and prescribes that they shall be manned by not more than two thirds of their complement of seamen and ordinary seamen. Whether a frigate may be trusted to two thirds only of her proper complement of men, must depend on the nature of the service on which she is ordered. That may sometimes for her safety, as well as to insure her object, require her fullest complement. In adverting to this subject, Congress will perhaps consider whether the best limitation on the executive discretion in this case would not be by the number of seamen which may be employed in the whole service, rather than by the number of vessels. Occasions oftener arise for the employment of small than of large vessels, and it would lessen risk, as well as expense, to be authorized to employ them of preference. The limitation suggested by the number of seamen would admit a selection of vessels best adapted to the service.

Our Indian neighbors are advancing, many of them with spirit, and others beginning to engage in the pursuits of agriculture and household manufacture. They are becoming sensible that the earth yields subsistence with less labor and more certainty than the forest, and find it their interest, from time to time, to dispose of parts of their surplus and waste lands for the means of improving those they occupy, and of subsisting their fa-

milies while they are improving their farms. Since your last session, the northern tribes have sold to us the lands between the Connecticut reserve and the former Indian boundary, and those on the Ohio, from the same boundary to the Rapids, and for a considerable depth inland. The Chickasaws and Cherokees have sold us the country between and adjacent to the two districts of Tennessee, and the Creeks the residue of their lands in the fork of Ocmulgee, up to the Ulcofauhatche. The three former purchases are important, inasmuch as they consolidate disjointed parts of our settled country, and render their intercourse secure; and the second particularly so, as, with the small point on the river, which we expect is by this time ceded by the Piankeshaws, it completes our possession of the whole of both banks of the Ohio, from its source to near its mouth, and the navigation of that river is thereby rendered forever safe to our citizens sett ed and settling on its extensive waters. The purchase from the Creeks, too, has been for some time particularly interesting to the state of Georgia.

The several treaties which have been mentioned will be submitted to both houses of Congress for the exercise of their respective functions.

Deputations, now on their way to the seat of government, from various nations of Indians inhabiting the Missouri and other parts beyond the Mississippi, come charged with the assurances of their satisfaction with the new relations in which they are placed with us, of their disposition to cultivate our peace and friendship, and their desire to enter into commercial intercourse with us. A statement of our progress in exploring the principal rivers of that country, and of the information respecting them hitherto obtained, will be communicated so soon as we shall receive some further relations which we have reason hortly to expect.

The receipts at the treasury during the year ending the 30th day of September last, have exceeded the sum of thirteen millions of dollars, which, with not quite five millions in the treasury at the beginning of the year, have enabled us, after meeting other demands, to pay nearly two millions of the debt contracted under the Bri-

tish treaty and convention, upwards of four millions of principal of the public debt, and four millions of interest. These payments, with those which had been made in three years and a half preceding, have extinguished of the funded debt nearly eighteen millions of principal.

Congress, by their act of November 10, 1803, authorized us to borrow 1,750,000 dollars, towards meeting the claims of our citizens, assumed by the convention with France. We have not, however, made use of this authority, because the sum of four millions and a half, which remained in the treasury on the same 30th day of September last, with the receipts which we may calculate on for the ensuing year, besides paying the annual sum of eight millions of dollars, appropriated to the funded debt, and meeting all the current demands which may be expected, will enable us to pay the whole sum of three millions seven hundred and fifty thousand dollars, assumed by the French convention, and still leave us a surplus of nearly a million of dollars at our free disposal. Should you concur in the provisions of arms and armed vessels, recommended by the circumstances of the times, this surplus will furnish the means of doing so.

On this first occasion of addressing Congress, since, by the choice of my constituents, I have entered on a second term of administration, I embrace the opportunity to give this public assurance, that I will exert my best endeavors to administer faithfully the executive department, and will zealously co-operate with you in every measure which may tend to secure the liberty, property, and personal safety of our fellow-citizens, and to consolidate the republican forms and principles of our government.

In the course of your session you shall receive all the aid which I can give for the despatch of public business, and all the information necessary for your deliberations, of which the interests of our own country, and the confidence reposed in us by others, will admit a communication.

SPECIAL MESSAGE,

JANUARY 13, 1806.

To the Senate and House of Representatives of the United States:

I lay before Congress the application of Hamet Caramalli, elder brother of the reigning bashaw of Tripoli, soliciting from the United States attention to his services and sufferings in the late war against that state. And in order to possess them of the grounds on which that application stands, the facts shall be stated according to the views and information of the executive.

During the war with Tripoli, it was suggested that Hamet Caramalli, elder brother of the reigning bashaw, and driven by him from his throne, meditated the recovery of his inheritance, and that a concert in action with us was desirable to him. We considered that concerted operations by those who have a common enemy were entirely justifiable, and might produce effects favorable to both, without binding either to guarantee the objects of the other. But the distance of the scene, the difficulties of communication, and the uncertainty of our information, inducing the less confidence in the measure, it was committed to our agents as one which might be resorted to if it promised to promote our success.

Mr. Eaton, however, (our late consul,) on his return from the Mediterranean, possessing personal knowledge of the scene, and having confidence in the effect of a joint operation, we authorized Commodore Barron, then proceeding with his squadron, to enter into an understanding with Hamet, if he should deem it useful; and as it was represented that he would need some aids of arms and ammunition, and even of money, he was authorized to furnish them to a moderate extent, according to the prospect of utility to be expected from it. In order to avail him of the advantages of Mr. Eaton's knowledge of circumstances, an occasional employment was provided for the latter as an agent for the navy in that sea. Our expectation was, that an intercourse should be kept up between the ex-bashaw and the commodore; that

while the former moved on by land, our squadron should proceed with equal pace, so as to arrive at their destination together, and to attack the common enemy by land and sea at the same time. The instructions of June 6 to Commodore Barron, show that a co-operation only was intended, and by no means a union of our object with the fortune of the ex-bashaw; and the commodore's letters of March 22 and May 19 prove that he had the most correct idea of our intentions. His verbal instructions, indeed, to Mr. Eaton and Captain Hull, if the expressions are accurately committed to writing by those gentlemen, do not limit the extent of his co-operation as he probably intended; but it is certain, from the ex-bashaw's letter of January 3d, written when he was proceeding to join Mr. Eaton, and in which he says, "Your operations should be carried on by sea, mine by land," that he left the position in which he was, with a proper idea of the nature of the co-operation. If Mr. Eaton's subsequent convention should appear to bring forward other objects, his letters of April 29th and May 1st view this convention but as provisional; the second article, as he expressly states, guarding it against any ill effect, and his letter of June 30th confirms this construction.

In the event it was found that, after placing the ex-bashaw in possession of Derne, one of the most important cities and provinces of the country, where he had resided himself as governor, he was totally unable to command any resources, or to bear any part in the co-operation with us. This hope was then at an end, and we certainly had never contemplated, nor were we prepared, to land an army of our own, or to raise, pay, or subsist an army of Arabs to march from Derne to Tripoli, and to carry on a land war at such a distance from our resources. Our means and our authority were merely naval, and that such were the expectations of Hamet, his letter of June 29th is an unequivocal acknowledgment. While, therefore, an impression from the capture of Derne might still operate at Tripoli, and an attack on that place from our squadron was daily expected, Colonel Lear thought it the best moment to listen to overtures of peace, then made by the bashaw. He did so, and while urging provisions

for the United States, he paid attention also to the interests of Hamet, but was able to effect nothing more than to engage the restitution of his family; and even the persevering in this demand suspended for some time the conclusion of the treaty.

In operations at such a distance, it becomes necessary to leave much to the discretion of the agents employed; but events may still turn up beyond the limits of that discretion. Unable in such case to consult his government, a zealous citizen will act as he believes that would direct him, were it apprized of the circumstances, and will take on himself the responsibility. In all these cases, the purity and patriotism of the motives should shield the agent from blame, and even secure a sanction where the error is not too injurious. Should it be thought by any, that the verbal instructions, said to have been given by Commodore Barron to Mr. Eaton, amount to a stipulation that the United States should place Hamet Caramalli on the throne of Tripoli, a stipulation so entirely unauthorized, so far beyond our views, and so onerous, could not be sanctioned by our government; or should Hamet Caramalli, contrary to the evidence of his letters of January 3d and June 29th, be thought to have left the position which he now seems to regret, under a mistaken expectation that we were at all events to place him on his throne, on an appeal to the liberality of the nation, something equivalent to the replacing him in his former situation might be worthy its consideration.

A nation, by establishing a character of liberality and magnanimity, gains in the friendship and respect of others more than the worth of mere money. This appeal is now made by Hamet Caramalli to the United States. The ground he has taken being different, not only from our views, but from those expressed by himself on former occasions, Mr. Eaton was desired to state whether any verbal communications passed from him to Hamet, which had varied from what we saw in writing. His answer of December 5th is herewith transmitted, and has rendered it still more necessary that, in presenting to the legislature the application of Hamet, I should present them at the same time an exact statement of the views and pro-

ceedings of the executive through this whole business, that they may clearly understand the ground on which we are placed. It is accompanied by all the papers which bear any relation to the principles of the co-operation, and which can inform their judgment in deciding on the application of Hamet Caramalli.

SPECIAL MESSAGE,

JANUARY 17, 1806.

To the Senate and House of Representatives of the United States:

In my message to both houses of Congress at the opening of their present session, I submitted to their attention, among other subjects, the oppression of our commerce and navigation by the irregular practices of armed vessels, public and private, and by the introduction of new principles, derogatory of the rights of neutrals, and unacknowledged by the usage of nations.

The memorials of several bodies of merchants of the United States are now communicated, and will develop these principles and practices, which are producing the most ruinous effects on our lawful commerce and navigation.

The right of a neutral to carry on a commercial intercourse with every part of the dominions of a belligerent, permitted by the laws of the country, (with the exception of blockaded ports and contraband of war,) was believed to have been decided between Great Britain and the United States by the sentence of the commissioners mutually appointed to decide on that and other questions of difference between the two nations, and by the actual payment of damages awarded by them against Great Britain for the infractions of that right. When, therefore, it was perceived, that the same principle was revived, with others more novel, and extending the injury, instructions were given to the minister plenipotentiary of the

United States at the court of London, and remonstrances duly made by him on this subject, as will appear by documents transmitted herewith. These were followed by a partial and temporary suspension only, without any disavowal of the principle. He has, therefore, been instructed to urge this subject anew, to bring it more fully to the bar of reason, and to insist on rights too evident and too important to be surrendered. In the mean time, the evil is proceeding under adjudications founded on the principle which is denied. Under these circumstances, the subject presents itself for the consideration of Congress.

On the impressment of our seamen, our remonstrances have never been intermitted. A hope existed at one moment of an arrangement which might have been submitted to; but it soon passed away, and the practice, though relaxed at times in the distant seas, has been constantly pursued in those in our neighborhood. The grounds on which the reclamations on this subject have been urged, will appear in an extract from instructions to our minister at London, now communicated.

SPECIAL MESSAGE,

MARCH 20, 1806.

To the Senate and House of Representatives of the United States:

It was reasonably expected that, while the limits between the territories of the United States and those of Spain were unsettled, neither party would have innovated on the existing state of their respective positions. Some time since, however, we learnt that the Spanish authorities were advancing into the disputed country to occupy new posts and make new settlements. Unwilling to take any measures which might preclude a peaceable accommodation of differences, the officers of the United States were ordered to confine themselves within the country on

this side of the Sabine River, which, by delivery of its principal post, Natchitoches, was understood to have been itself delivered up by Spain; and, at the same time, to permit no adverse post to be taken, nor armed men to remain within it. In consequence of these orders, the commanding officer at Natchitoches, learning that a party of Spanish troops had crossed the Sabine River, and were posting themselves on this side the Adais, sent a detachment of his force to require them to withdraw to the other side of the Sabine, which they accordingly did.

I have thought it proper to communicate to Congress the letter detailing this incident, that they may fully understand the state of things in that quarter, and be enabled to make such provision for its security as in their wisdom they shall deem sufficient.

SIXTH ANNUAL MESSAGE,

DECEMBER 2, 1806.

To the Senate and House of Representatives of the United States:

It would have given me, fellow-citizens, great satisfaction to announce, in the moment of your meeting, that the difficulties in our foreign relations, existing at the time of your last separation, had been amicably and justly terminated. I lost no time in taking those measures which were most likely to bring them to such a termination, by special missions, charged with such powers and instructions as, in the event of failure, could leave no imputation on either our moderation or forbearance. The delays which have since taken place in our negotiations with the British government appear to have proceeded from causes which do not forbid the expectation that, during the course of the session, I may be enabled to lay before you their final issue. What will be that of the negotiations for settling our differences with Spain, nothing which had taken place at the date of the last de-

spatches enable us to pronounce. On the western side of the Mississippi she advanced in considerable force, and took post at the settlement of Bayou Pierre, on the Red River. This village was originally settled by France, was held by her as long as she held Louisiana, and was delivered to Spain only as a part of Louisiana. Being small, insulated, and distant, it was not observed, at the moment of re-delivery to France and the United States, that she continued a guard of half a dozen men. A proposition had been lately made by our commander-in-chief to assume the Sabine River as a temporary line of separation between the troops of the two nations, until the issue of our negotiations shall be known; this has been referred by the Spanish commandant to his superior, and in the mean time he has withdrawn his force to the western side of the Sabine River. The correspondence on this subject, now communicated, will exhibit more particularly the present state of things in that quarter.

The nature of that country requires indispensably that an unusual proportion of the force employed there should be cavalry or mounted infantry. In order, therefore, that the commanding officer might be enabled to act with effect, I had authorized him to call on the governors of Orleans and Mississippi for a corps of five hundred volunteer cavalry. The temporary arrangement he has proposed may perhaps render this unnecessary. But I inform you with great pleasure of the promptitude with which the inhabitants of those territories have tendered their services in defence of their country. It has done honor to themselves, entitled them to the confidence of their fellow-citizens in every part of the Union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur.

Having received information that in another part of the United States a great number of private individuals were combining together, arming and organizing themselves contrary to law, to carry on military expeditions against the territories of Spain, I thought it necessary, by proclamation as well as by special orders, to take measures for preventing and suppressing this enterprise, for seizing the vessels, arms, and other means provided for

it, and for arresting and bringing to justice its authors and abettors. It was due to that good faith which ought ever to be the rule of action in public as well as in private transactions; it was due to good order and regular government, that, while the public force was acting strictly on the defensive, and merely to protect our citizens from aggression, the criminal attempts of private individuals to decide for their country the question of peace or war, by commencing active and unauthorized hostilities, should be promptly and efficaciously suppressed.

Whether it will be necessary to enlarge our regular force will depend on the result of our negotiation with Spain: but as it is uncertain when that result will be known, the provisional measures requisite for that, and to meet any pressure intervening in that quarter, will be a subject for your early consideration.

The possession of both banks of the Mississippi reducing to a single point the defence of that river, its waters, and the country adjacent, it becomes highly necessary to provide for that point a more adequate security. Some position above its mouth, commanding the passage of the river, should be rendered sufficiently strong to cover the armed vessels which may be stationed there for defence; and, in conjunction with them, to present an insuperable obstacle to any force attempting to pass. The approaches to the city of New Orleans, from the eastern quarter also, will require to be examined, and more effectually guarded. For the internal support of the country, the encouragement of a strong settlement on the western side of the Mississippi, within reach of New Orleans, will be worthy the consideration of the legislature.

The gun-boats authorized by an act of the last session are so advanced that that they will be ready for service in the ensuing spring. Circumstances permitted us to allow the time necessary for their more solid construction. As a much larger number will still be wanting to place our seaport towns and waters in that state of defence to which we are competent and they entitled, a similar appropriation for a further provision for them is recommended for the ensuing year.

A further appropriation will also be necessary for repairing fortifications already established, and the erection of such works as may have real effect in obstructing the approach of an enemy to our seaport towns, or their remaining before them.

In a country whose constitution is derived from the will of the people, directly expressed by their free suffrages; where the principal executive functionaries, and those of the legislature, are renewed by them at short periods; where under the character of jurors they exercise in person the greatest portion of the judiciary powers; where the laws are consequently so formed and administered as to bear with equal weight and favor on all, restraining no man in the pursuits of honest industry, and securing to every one the property which that acquires; it would not be supposed that any safeguards could be needed against insurrection, or enterprise on the public peace or authority. The laws, however, aware that these should not be trusted to moral restraints only, have wisely provided punishment for these crimes when committed. But would it not be salutary to give also the means of preventing their commission? Where an enterprise is meditated by private individuals against a foreign nation in amity with the United States, powers of prevention to a certain extent are given by the laws; would they not be as reasonable and useful where the enterprise preparing is against the United States? While adverting to this branch of the law, it is proper to observe, that in enterprises meditated against foreign nations, the ordinary process of binding to the observance of the peace and good behavior, could it be extended to acts to be done out of the jurisdiction of the United States, would be effectual in some cases where the offender is able to keep out of sight every indication of his purpose which could draw on him the exercise of the powers now given by law.

The states on the coast of Barbary seem generally disposed at present to respect our peace and friendship; with Tunis alone some uncertainty remains. Persuaded that it is our interest to maintain our peace with them on equal terms, or not at all, I propose to send, in due time, a

reinforcement into the Mediterranean, unless previous information shall show it to be unnecessary.

We continue to receive proofs of the growing attachment of our Indian neighbors, and of their disposition to place all their interests under the patronage of the United States. These dispositions are inspired by their confidence in our justice, and in the sincere concern we feel for their welfare. And as long as we discharge these high and honorable functions with the integrity and good faith which alone can entitle us to their continuance, we may expect to reap the just reward in their peace and friendship.

The expedition of Messrs. Lewis and Clarke, for exploring the river Missouri, and the best communication from that to the Pacific Ocean, has had all the success which could have been expected. They have traced the Missouri nearly to its source, descended the Columbia to the Pacific Ocean, ascertained with accuracy the geography of that interesting communication across our continent, learnt the character of the country, of its commerce and inhabitants; and it is but justice to say, that Messrs. Lewis and Clarke, and their brave companions, have, by this arduous service, deserved well of their country.

The attempt to explore the Red River, under the direction of Mr. Freeman, though conducted with a zeal and prudence meriting entire approbation, has not been equally successful. After proceeding up it about six hundred miles, nearly as far as the French settlements had extended, while the country was in their possession, our geographers were obliged to return without completing their work.

Very useful additions have also been made to our knowledge of the Mississippi, by Lieut. Pike, who has ascended it to its source, and whose journal and map, giving the details of his journey, will shortly be ready for communication to both houses of Congress. Those of Messrs. Lewis and Clarke and Freeman, will require further time to be digested and prepared. These important surveys, in addition to those before possessed, furnish materials for commencing an accurate map of the Missis-

sippi and its western waters. Some principal rivers, however, remain still to be explored, towards which the authorization of Congress, by moderate appropriations, will be requisite.

I congratulate you, fellow-citizens, on the approach of the period at which you may interpose your authority constitutionally, to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe. Although no law you may pass can take prohibitory effect till the first day of the year one thousand eight hundred and eight, yet the intervening period is not too long to prevent, by timely notice, expeditions which cannot be completed before that day.

The receipts at the treasury, during the year ending on the 30th day of September last, have amounted to near fifteen millions of dollars; which have enabled us, after meeting the current demands, to pay two millions seven hundred thousand dollars of the American claims, in part of the price of Louisiana; to pay of the funded debt upwards of three millions of principal, and nearly four of interest; and, in addition, to reimburse, in the course of the present month, near two millions of five and a half per cent. stock. These payments and reimbursements of the funded debt, with those which had been made in the four years and a half preceding, will, at the close of the present year, have extinguished upwards of twenty-three millions of principal.

The duties composing the Mediterranean fund will cease by law at the end of the present session. Considering, however, that they are levied chiefly on luxuries, and that we have an impost on salt, a necessary of life, the free use of which otherwise is so important, I recommend to your consideration the suppression of the duties on salt, and the continuation of the Mediterranean fund instead thereof, for a short time, after which, that also will become unnecessary for any purpose now within contemplation.

When both of these branches of revenue shall in this way be relinquished, there will still ere long be an accumulation of moneys in the treasury beyond the instalments of public debt which we are permitted by contract to pay. They cannot, then, without a modification, assented to by the public creditors, be applied to the extinguishment of this debt, and the complete liberation of our revenues, the most desirable of all objects; nor, if our peace continues, will they be wanting for any other existing purpose. The question therefore now comes forward: to what other objects shall these surplusses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost, and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use, the suppression, in due season, will doubtless be right; but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of federal powers. By these operations new channels of communication will be opened between the states; the lines of separation will disappear; their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to preservation. The subject is now proposed for the consideration of Congress, because, if approved by the time the state legislatures shall have deliberated on this extension of the federal trusts, and the

laws shall be passed, and other arrangements made for their execution, the necessary funds will be on hand and without employment. I suppose an amendment to the constitution, by consent of the states, necessary, because the objects now recommended are not among those enumerated in the constitution, and to which it permits the public moneys to be applied.

The present consideration of a national establishment, for education particularly, is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income. This foundation would have the advantage of being independent of war, which may suspend other improvements, by requiring for its own purposes the resources destined for them.

This, fellow-citizens, is the state of the public interests at the present moment, and according to the information now possessed. But such is the situation of the nations of Europe, and such, too, the predicament in which we stand with some of them, that we cannot rely with certainty on the present aspect of our affairs, that may change from moment to moment during the course of your session, or after you shall have separated. Our duty is therefore to act upon things as they are, and to make a reasonable provision for whatever they may be. Were armies to be raised whenever a speck of war is visible in our horizon, we never should have been without them. Our resources would have been exhausted on dangers which have never happened, instead of being reserved for what is really to take place. A steady, perhaps a quickened pace, in preparations for the defence of our seaport towns and waters, an early settlement of the most exposed and vulnerable parts of our country, a militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them, to serve a sufficient time, are means which may always be ready, yet never preying on our resources until actually called into use. They will maintain the public interests while a more permanent force shall be in course

of preparation. But much will depend on the promptitude with which these means can be brought into activity. If war be forced upon us, in spite of our long and vain appeals to the justice of nations, rapid and vigorous movements in its outset will go far toward securing us in its course and issue, and towards throwing its burdens on those who render necessary the resort from reason to force.

The result of our negotiations, or such incidents in their course as may enable us to infer their probable issues; such further movements, also, on our western frontiers as may show whether war is to be pressed there while negotiation is protracted elsewhere, shall be communicated to you from time to time as they become known to me, with whatever other information I possess or may receive, which may aid your deliberations on the great national interests committed to your charge.

SPECIAL MESSAGE,

DECEMBER 3, 1806.

To the Senate and House of Representatives of the United States:

I have the satisfaction to inform you that the negotiation depending between the United States and the government of Great Britain, is proceeding in a spirit of friendship and accommodation which promises a result of mutual advantage. Delays indeed have taken place, occasioned by the long illness and subsequent death of the British minister charged with that duty. But the commissioners appointed by that government to resume the negotiation have shown every disposition to hasten its progress. It is, however, a work of time, as many arrangements are necessary to place our future harmony on stable grounds.

In the mean time, we find by the communications of our plenipotentiaries, that a temporary suspension of the act of the last session prohibiting certain importations, would, as a mark of candid disposition on our part, and

of confidence in the temper and views with which they have been met, have a happy effect on its course. A step so friendly will afford further evidence that all our proceedings have flowed from views of justice and conciliation, and that we give them willingly that form which may best meet corresponding dispositions.

Add to this, that the same motives which produced the postponement of the act till the fifteenth of November last, are in favor of its further suspension; and, as we have reason to hope that it may soon yield to arrangements of mutual consent and convenience, justice seems to require that the same measure may be dealt out to the few cases which may fall within its short course, as to all others preceding and following it. I cannot, therefore, but recommend the suspension of this act for a reasonable time, on considerations of justice, amity, and the public interests.

SPECIAL MESSAGE,

JANUARY 22, 1807.

To the Senate and House of Representatives of the United States:

Agreeably to the request of the House of Representatives, communicated in their resolution of the 16th instant, I proceed to state, under the reserve therein expressed, information received touching an illegal combination of private individuals against the peace and safety of the Union, and a military expedition planned by them against the territories of a power in amity with the United States, with the measures I have pursued for suppressing the same.

I had for some time been in the constant expectation of receiving such further information as would have enabled me to lay before the legislature the termination as well as the beginning and progress of this scene of depravity, so far as it has been acted on the Ohio and its

waters. From this, the state of safety of the lower country might have been estimated on probable grounds; and the delay was indulged the rather, because no circumstance had yet made it necessary to call in the aid of the legislative functions. Information, now recently communicated, has brought us nearly to the period contemplated. The mass of what I have received in the course of these transactions, is voluminous; but little has been given under the sanction of an oath, so as to constitute formal and legal evidence. It is chiefly in the form of letters, often containing such a mixture of rumors, conjectures, and suspicions, as render it difficult to sift out the real facts, and unadvisable to hazard more than general outlines, strengthened by concurrent information, or the particular credibility of the relator. In this state of the evidence, delivered sometimes too under the restriction of private confidence, neither safety or justice will permit the exposing names, except that of the principal actor, whose guilt is placed beyond question.

Sometime in the latter part of September, I received intimations that designs were in agitation in the western country, unlawful, and unfriendly to the peace of the Union; and that the prime mover in these was Aaron Burr, heretofore distinguished by the favor of his country. The grounds of these intimations being inconclusive, the objects uncertain, and the fidelity of that country known to be firm, the only measure taken was to urge the informants to use their best endeavors to get further insight into the designs and proceedings of the suspected persons, and to communicate them to me.

It was not till the latter part of October, that the objects of the conspiracy began to be perceived; but still so blended and involved in mystery, that nothing distinct could be singled out for pursuit. In this state of uncertainty, as to the crime contemplated, the acts done, and the legal course to be pursued, I thought it best to send to the scene, where these things were principally in transaction, a person in whose integrity, understanding, and discretion, entire confidence could be reposed, with instructions to investigate the plots going on, to enter into

conference (for which he had sufficient credentials) with the governors and all other officers, civil and military, and, with their aid, to do on the spot whatever should be necessary to discover the designs of the conspirators, arrest their means, bring their persons to punishment, and to call out the force of the country to suppress any unlawful enterprise in which it should be found they were engaged. By this time it was known that many boats were under preparation, stores of provisions collecting, and an unusual number of suspicious characters in motion on the Ohio and its waters. Besides despatching the confidential agent to that quarter, orders were at the same time sent to the governors of the Orleans and Mississippi territories, and to the commanders of the land and naval forces there, to be on their guard against surprise, and in constant readiness to resist any enterprise which might be attempted on the vessels, posts, or other objects under their care; and on the 8th of November, instructions were forwarded to General Wilkinson to hasten an accommodation with the Spanish commander on the Sabine, and as soon as that was effected, to fall back with his principal force to the hither bank of the Mississippi, for the defence of the intersecting points on that river. By a letter received from that officer on the 25th of November, but dated October 21st, we learn that a confidential agent of Aaron Burr had been deputed to him with communications, partly written in cipher and partly oral, explaining his designs, exaggerating his resources, and making such offers of emolument and command, to engage him and the army in his unlawful enterprise, as he had flattered himself would be successful. The general, with the honor of a soldier and fidelity of a good citizen, immediately despatched a trusty officer to me, with information of what had passed, proceeding to establish such an understanding with the Spanish commandant on the Sabine as permitted him to withdraw his force across the Mississippi, and to enter on measures for opposing the projected enterprise.

The general's letter, which came to hand on the 25th of November, as has been mentioned, and some other information received a few days earlier, when brought

together, developed Burr's general designs, different parts of which only had been revealed to different informants. It appeared that he contemplated two distinct objects, which might be carried on either jointly or separately, and either the one or the other first, as circumstances should direct. One of these was the severance of the union of these states by the Allegany mountains; the other, an attack on Mexico. A third object was provided, merely ostensible, to wit: the settlement of a pretended purchase of a tract of country on the Washita, claimed by a Baron Bastrop. This was to serve as a pretext for all his preparations, an allurement for such followers as really wished to acquire settlements in that country, and a cover under which to retreat in the event of final discomfiture of both branches of his real design.

He found at once that the attachment of the western country to the present Union was not to be shaken; that its dissolution could not be effected with the consent of its inhabitants, and that his resources were inadequate, as yet, to effect it by force. He took his course then at once, determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico; and to this object all his means and preparations were now directed. He collected from all the quarters where himself or his agents possessed influence, all the ardent, restless, desperate, and disaffected persons, who were ready for any enterprise analogous to their characters. He seduced good and well-meaning citizens, some by assurances that he possessed the confidence of the government, and was acting under its secret patronage—a pretence which procured some credit from the state of our differences with Spain—and others, by offers of land in Bastrop's claim on the Washita.

This was the state of my information of his proceedings about the last of November, at which time, therefore, it was first possible to take specific measures to meet them. The proclamation of November 27th, two days after the receipt of General Wilkinson's information, was now issued. Orders were despatched to every intersecting point on the Ohio and Mississippi, from Pitts-

burg to New Orleans, for the employment of such force, either of the regulars or of the militia, and of such proceedings, also, of the civil authorities, as might enable them to seize on all the boats and stores provided for the enterprise, to arrest the persons concerned, and to suppress, effectually, the further progress of the enterprise. A little before the receipt of these orders in the state of Ohio, our confidential agent, who had been diligently employed in investigating the conspiracy, had acquired sufficient information to open himself to the governor of that state, and apply for the immediate exertion of the authority and power of the state to crush the combination. Governor Tiffin, and the legislature, with a promptitude, and energy, and patriotic zeal, which entitle them to a distinguished place in the affection of their sister states, effected the seizure of all the boats, provisions, and other preparations within their reach, and thus gave a first blow, materially disabling the enterprise in its outset.

In Kentucky, a premature attempt to bring Burr to justice, without sufficient evidence for his conviction, had produced a popular impression in his favor, and a general disbelief of his guilt. This gave him an unfortunate opportunity of hastening his equipments. The arrival of the proclamation and orders, and the application and information of our confidential agent, at length awakened the authorities of that state to the truth, and then produced the same promptitude and energy of which the neighboring state had set the example. Under an act of their legislature, of December 23d, militia was instantly ordered to different important points, and measures taken for doing whatever could yet be done. Some boats (accounts vary from five to double or treble that number) and persons (differently estimated from one to three hundred) had, in the mean time, passed the Falls of Ohio, to rendezvous at the mouth of Cumberland, with others expected down that river.

Not apprised, till very late, that any boats were building on Cumberland, the effect of the proclamation had been trusted to for some time in the state of Tennessee. But on the 19th of December similar communications and

instructions, with those to the neighboring states, were despatched by express to the governor and a general officer of the western division of the state; and, on the 23d of December, our confidential agent left Frankfort for Nashville, to put into activity the means of that state also.

But by information received yesterday, I learn that on the 22d of December, Mr. Burr descended the Cumberland with two boats merely of accommodation, carrying with him from that state no quota towards his unlawful enterprise. Whether, after the arrival of the proclamation, of the orders, or of our agent, any exertion which could be made by that state, or the orders of the governor of Kentucky for calling out the militia at the mouth of Cumberland, would be in time to arrest these boats, and those from the Falls of Ohio, is still doubtful.

On the whole, the fugitives from the Ohio, with their associates from Cumberland, or any other place in that quarter, cannot threaten serious danger to the city of New Orleans.

By the same express of December 19th, orders were sent to the governors of Orleans and Mississippi, supplementary to those which had been given on the 25th of November, to hold the militia of their territories in readiness to co-operate, for their defence, with the regular troops and armed vessels, then under command of General Wilkinson. Great alarm indeed was excited at New Orleans by the exaggerated accounts of Mr. Burr, disseminated through his emissaries, of the armies and navies he was to assemble there. General Wilkinson had arrived there himself on the 24th of November, and had immediately put into activity the resources of the place for the purpose of its defence; and on the 10th of December he was joined by his troops from the Sabine. Great zeal was shown by the inhabitants generally; the merchants of the place readily agreeing to the most laudable exertions and sacrifices for manning the armed vessels with their seamen; and the other citizens manifesting unequivocal fidelity to the Union, and a spirit of determined resistance to their expected assailants.

Surmises have been hazarded that this enterprise is to receive aid from certain foreign powers. But these sur-

mises are without proof or probability. The wisdom of the measures sanctioned by Congress at its last session, has placed us in the paths of peace and justice with the only powers with whom we had any differences; and nothing has happened since which makes it either their interest or ours to pursue another course. No change of measures has taken place on our part; none ought to take place at this time. With the one, friendly arrangement was then proposed, and the law deemed necessary on the failure of that, was suspended to give time for a fair trial of the issue. With the other, negotiation was in like manner then preferred, and provisional measures only taken to meet the event of rupture. While, therefore, we do not deflect in the slightest degree from the course we then assumed, and are still pursuing, with mutual consent, to restore a good understanding, we are not to impute to them practices as irreconcilable to interest as to good faith, and changing necessarily the relations of peace and justice between us to those of war. These surmises are therefore to be imputed to the vauntings of the author of this enterprise, to multiply his partisans by magnifying the belief of his prospects and support.

By letters from General Wilkinson, of the 14th and 18th of September, which came to hand two days after date of the resolution of the House of Representatives, that is to say, on the morning of the 18th instant, I received the important affidavit, a copy of which I now communicate, with extracts of so much of the letters as come within the scope of the resolution. By these it will be seen that of the three of the principal emissaries of Mr. Burr, whom the general had caused to be apprehended, one had been liberated by habeas corpus, and two others, being those particularly employed in the endeavor to corrupt the general and army of the United States, have been embarked by him for our ports in the Atlantic states, probably on the consideration that an impartial trial could not be expected during the present agitations of New Orleans, and that city was not as yet a safe place of confinement. As soon as these persons shall arrive, they will be delivered to the custody of the law, and left to such course of trial, both as to place

and process, as its functionaries may direct. The presence of the highest judicial authorities to be assembled at this place within a few days, the means of pursuing a sounder course of proceedings here than elsewhere, and the aid of the executive means, should the judges have occasion to use them, render it equally desirable, for the criminals as for the public, that, being already removed from the place where they were first apprehended, the first regular arrest should take place here, and the course of proceedings receive here their proper direction.

SPECIAL MESSAGE,

FEBRUARY 10, 1807.

To the Senate and House of Representatives of the United States:

In compliance with the request of the House of Representatives expressed in their resolution of the 5th instant, I proceed to give such information as is possessed, of the effect of gun-boats in the protection and defence of harbors, of the numbers thought necessary, and of the proposed distribution of them among the ports and harbors of the United States.

Under present circumstances, and governed by the intentions of the legislature, as manifested by their annual appropriations of money for the purposes of defence, it has been concluded to combine—1st, Land batteries, furnished with heavy cannon and mortars, and established on all the points around the place favorable for preventing vessels from lying before it; 2d, Movable artillery, which may be carried, as occasion may require, to points unprovided with fixed batteries; 3d, Floating batteries; and, 4th, Gun-boats, which may oppose an enemy at its entrance, and co-operate with the batteries for his expulsion.

On this subject professional men were consulted as far as we had opportunity. Gen. Wilkinson and the late

Gen. Gates gave their opinions in writing in favor of the system, as will be seen by their letters now communicated. The higher officers of the navy gave the same opinions, in separate conferences, as their presence at the seat of government offered occasions of consulting them, and no difference of judgment appeared on the subject. Those of Commodore Barron and Captain Tingey, now here, are recently furnished in writing, and transmitted herewith to the legislature.

The efficacy of gun-boats for the defence of harbors, and of other smooth and enclosed waters, may be estimated in part from that of galleys, formerly much used, but less powerful, more costly in their construction and maintenance, and requiring more men. But the gun-boat itself is believed to be in use with every modern maritime nation for the purpose of defence. In the Mediterranean, on which are several small powers, whose system, like ours, is peace and defence, few harbors are without this article of protection. Our own experience there of the effect of gun-boats for harbor-service, is recent. Algiers is particularly known to have owed to a great provision of these vessels the safety of its city, since the epoch of their construction. Before that, it had been repeatedly insulted and injured. The effect of gun-boats at present in the neighborhood of Gibraltar, is well known, and how much they were used both in the attack and defence of that place during a former war. The extensive resort to them by the two greatest naval powers in the world, on an enterprise of invasion not long since in prospect, shows their confidence in their efficacy for the purposes for which they are suited. By the northern powers of Europe, whose seas are particularly adapted to them, they are still more used. The remarkable action between the Russian flotilla of gun-boats and galleys, and a Turkish fleet of ships of the line and frigates, in the Liman sea, 1788, will be readily recollected. The latter, commanded by their most celebrated admiral, were completely defeated, and several of their ships of the line destroyed.

From the opinions given as to the number of gun-boats necessary for some of the principal seaports, and from a

view of all the towns and ports from New Orleans to Maine inclusive, entitled to protection, in proportion to their situation and circumstances, it is concluded that, to give them a due measure of protection in time of war, about two hundred gun-boats will be requisite. According to first ideas, the following would be their general distribution, liable to be varied on more mature examination, and as circumstances shall vary, that is to say:

To the Mississippi and its neighboring waters, forty gun-boats.

To Savannah and Charleston, and the harbors on each side, from St. Mary's to Currituck, twenty-five.

To the Chesapeake and its waters, twenty.

To Delaware Bay and river, fifteen.

To New York, the Sound, and waters as far as Cape Cod, fifty.

To Boston, and the harbors north of Cape Cod, fifty.

The flotillas assigned to these several stations might each be under the care of a particular commandant, and the vessels composing them would, in ordinary, be distributed among the harbors within the station in proportion to their importance.

Of these boats a proper proportion would be of the larger size, such as those heretofore built, capable of navigating any seas, and of reinforcing occasionally the strength of even the most distant port when menaced with danger. The residue would be confined to their own or their neighboring harbors, would be smaller, less furnished for accommodation, and consequently less costly. Of the number supposed necessary, seventy-thr are built or building, and the hundred and twenty-seven still to be provided would cost from six to seven hundred thousand dollars. Having regard to the convenience of the treasury, as well as to the resources for building, it has been thought that the one half of these might be built in the present year, and the other half the next. With the legislature, however, it will rest to stop where we are, or at any further point, when they shall be of opinion that the number provided shall be sufficient for the object.

At times, when Europe as well as the United States

shall be at peace, it would not be proposed that more than six or eight of these vessels should be kept afloat. When Europe is in war, treble that number might be necessary to be distributed among those particular harbors which foreign vessels of war are in the habit of frequenting, for the purpose of preserving order therein. But they would be manned in ordinary with only their complement for navigation, relying on the seamen and militia of the port, if called into action on any sudden emergency. It would be only when the United States should themselves be at war, that the whole number would be brought into actual service, and would be ready, in the first moments of the war, to co-operate with other means for covering at once the line of our seaports. At all times, those unemployed would be withdrawn into places not exposed to sudden enterprise, hauled up under sheds from the sun and weather, and kept in preservation with little expense for repairs or maintenance.

It must be superfluous to observe, that this species of naval armament is proposed merely for defensive operation; that it can have but little effect towards protecting our commerce in the open seas, even on our coast; and still less can it become an excitement to engage in offensive maritime war, towards which it would furnish no means.

SEVENTH ANNUAL MESSAGE,

OCTOBER 27, 1807.

To the Senate and House of Representatives of the United States:

Circumstances, fellow-citizens, which seriously threatened the peace of our country, have made it a duty to convene you at an earlier period than usual. The love of peace, so much cherished in the bosoms of our citizens, which has so long guided the proceedings of the public councils, and induced forbearance under so many

wrongs, may not insure our continuance in the quiet pursuits of industry. The many injuries and depredations committed on our commerce and navigation upon the high seas for years past, the successive innovations on those principles of public law which have been established by the reason and usage of nations as the rule of their intercourse, and the umpire and security of their rights and peace, and all the circumstances which induced the extraordinary mission to London, are already known to you. The instructions given to our ministers were framed in the sincerest spirit of amity and moderation. They accordingly proceeded, in conformity therewith, to propose arrangements which might bring us to a mutual understanding on our neutral and national rights, and provide for a commercial intercourse on conditions of some equality. After long and fruitless endeavors to effect the purposes of their mission, and to obtain arrangements within the limits of their instructions, they concluded to sign such as could be obtained, and to send them for consideration: candidly declaring to the other negotiators, at the same time, that they were acting against their instructions, and that their government therefore could not be pledged for ratification. Some of the articles proposed might have been admitted on a principle of compromise, but others were too highly disadvantageous; and no sufficient provision was made against the principal source of the irritations and collisions which were constantly endangering the peace of the two nations. The question, therefore, whether a treaty should be accepted in that form could have admitted but of one decision, even had no declarations of the other party impaired our confidence in it. Still anxious not to close the door against friendly adjustment, new modifications were framed, and further concessions authorized, than could before have been supposed necessary; and our ministers were instructed to resume their negotiations on these grounds. On this new reference to amicable discussion we were reposing in confidence, when, on the 22d day of June last, by a formal order from a British admiral, the frigate Chesapeake, leaving her port for distant service, was attacked by one of those vessels which had been lying in our harbors un-

der the indulgences of hospitality, was disabled from proceeding, had several of her crew killed, and four taken away. On this outrage no commentaries are necessary. Its character has been pronounced by the indignant voice of our citizens with an emphasis and unanimity never exceeded. I immediately, by proclamation, interdicted our harbors and waters to all British armed vessels, forbade intercourse with them; and uncertain how far hostilities were intended, and the town of Norfolk indeed being threatened with immediate attack, a sufficient force was ordered for the protection of that place, and such other preparations commenced and pursued as the prospect rendered proper. An armed vessel of the United States was despatched with instructions to our ministers at London to call on that government for the satisfaction and security required by the outrage. A very short interval ought now to bring the answer, which shall be communicated to you as soon as received; then, also, or as soon after as the public interests shall be found to admit, the unratified treaty, and proceedings relative to it, shall be made known to you.

The aggression thus begun has been continued on the part of the British commanders, by remaining within our waters in defiance of the authority of the country, by habitual violations of its jurisdiction, and, at length, by putting to death one of the persons whom they had forcibly taken from on board the Chesapeake. These aggravations necessarily lead to the policy either of never admitting an armed vessel into our harbors, or of maintaining in every harbor such an armed force as may constrain obedience to the laws, and protect the lives and property of our citizens against their armed guests. But the expense of such a standing force, and its inconsistencies with our principles, dispense with those courtesies which would necessarily call for it, and leave us equally free to exclude the navy as we are the army of a foreign power from entering our limits.

To former violations of maritime rights, another is now added of very extensive effect. The government of that nation has issued an order interdicting all trade by neutrals between ports not in amity with them. And being

now at war with nearly every nation on the Atlantic and Mediterranean seas, our vessels are required to sacrifice their cargoes at the first port they touch, or to return home without the benefit of going to any other market. Under this new law of the ocean, our trade on the Mediterranean has been swept away by seizures and condemnations, and that in other seas is threatened with the same fate.

Our differences with Spain remain unsettled; no measure having been taken on her part, since my last communication to Congress, to bring them to a close. But under a state of things which may favor reconsideration, they have been recently pressed, and an expectation is entertained that they may now soon be brought to an issue of some sort. With their subjects on our borders no new collisions have taken place, nor seem immediately to be apprehended. To our former grounds of complaint has been added a very serious one, as you will see by the decree, a copy of which is now communicated. Whether this decree, which professes to be conformable to that of the French government of November 21, 1806, heretofore communicated to Congress, will also be conformed to that in its construction and application in relation to the United States, had not been ascertained at the date of our last communication. These, however, gave reason to expect such a conformity.

With the other nations of Europe our harmony has been uninterrupted, and commerce and intercourse have been maintained on their usual footing.

Our peace with the several states on the coast of Barbary appears as firm as at any former period, and is as likely to continue as that of any other nation.

Among our Indian neighbors in the north-western quarter, some fermentation was observed soon after the late occurrences, threatening the continuance of our peace. Messages were said to be interchanged, and tokens to be passing, which usually denote a state of restlessness among them, and the character of the agitators pointed to the sources of excitement. Measures were immediately taken for providing against that danger; instructions were given to require explanations, and with

assurances of our continued friendship, to admonish the tribes to remain quiet at home, taking no part in quarrels not belonging to them. As far as we are yet informed, the tribes in our vicinity, who are most advanced in the pursuits of industry, are sincerely disposed to adhere to their friendship with us, and to their peace with all others. While those more remote do not present appearances sufficiently quiet to justify the intermission of military precaution on our part.

The great tribes on the south-western quarter, much advanced beyond the others in agriculture and household arts, appear tranquil and identifying their views with ours, in proportion to their advancement. With the whole of these people, in every quarter, I shall continue to inculcate peace and friendship with all their neighbors, and perseverance in those occupations and pursuits which will best promote their own well-being.

The appropriations of the last session, for the defence of our seaport towns and harbors, were made under expectation that a continuance of our peace would permit us to proceed in that work according to our convenience. It has been thought better to apply the sums then given, towards the defence of New York, Charleston, and New Orleans chiefly, as most open and most likely first to need protection; and to leave places less immediately in danger to the provisions of the present session.

The gun-boats, too, already provided, have, on a like principle, been chiefly assigned to New York, New Orleans, and the Chesapeake. Whether our movable force on the water, so material in aid of the defensive works on the land, should be augmented in this or any other form, is left to the wisdom of the legislature. For the purpose of manning these vessels, in sudden attacks on our harbors, it is a matter for consideration, whether the seamen of the United States may not justly be formed into a special militia, to be called on for tours of duty in defence of the harbors where they shall happen to be; the ordinary militia of the place furnishing that portion which may consist of landsmen.

The moment our peace was threatened, I deemed it indispensable to secure a greater provision of those arti-

cles of military stores with which our magazines were not sufficiently furnished. To have awaited a previous and special sanction by law would have lost occasions which might not be retrieved. I did not hesitate, therefore, to authorize engagements for such supplements to our existing stock as would render it adequate to the emergencies threatening us; and I trust that the legislature, feeling the same anxiety for the safety of our country, so materially advanced by this precaution, will approve when done, what they would have seen so important to be done, if then assembled. Expenses, also unprovided for, arose out of the necessity of calling all our gun-boats into actual service for the defence of our harbors; of all which, accounts will be laid before you.

Whether a regular army is to be raised, and to what extent, must depend on the information so shortly expected. In the mean time, I have called on the states for quotas of militia, to be in readiness for present defence; and have, moreover, encouraged the acceptance of volunteers; and I am happy to inform you that these have offered themselves with great alacrity in every part of the Union. They are ordered to be organized, and ready at a moment's warning, to proceed on any service to which they may be called, and every preparation within the executive powers has been made to insure us the benefit of early exertions.

I informed Congress at their last session of the enterprises against the public peace, which were believed to be in preparation by Aaron Burr and his associates, of the measures taken to defeat them, and to bring the offenders to justice. Their enterprises were happily defeated by the patriotic exertions of the militia whenever called into action, by the fidelity of the army and energy of the commander-in-chief, in promptly arranging the difficulties presenting themselves on the Sabine, repairing to meet those arising on the Mississippi, and dissipating before their explosion plots engendering there. I shall think it my duty to lay before you the proceedings, and the evidence publicly exhibited on the arraignment of the principal offenders before the circuit court of Virginia. You will be enabled to judge whether the defect

was in the testimony, in the law, or in the administration of the law, and wherever it shall be found, the legislature alone can apply or originate the remedy. The framers of our constitution certainly supposed they had guarded, as well their government against destruction by treason, as their citizens against oppression, under pretence of it, and if these ends are not attained, it is of importance to inquire by what means more effectually they may be secured.

The accounts of the receipts of revenue during the year ending on the thirteenth day of September last, being not yet made up, a correct statement will be hereafter transmitted from the treasury. In the mean time, it is ascertained that the receipts have amounted to near sixteen millions of dollars, which, with the five millions and a half in the treasury at the beginning of the year, have enabled us, after meeting the current demands and interest incurred, to pay more than four millions of the principal of our funded debt. These payments, with those of the preceding five and a half years, have extinguished of the funded debt twenty-five millions and a half of dollars, being the whole which could be paid or purchased within the limits of the law and of our contracts, and have left us in the treasury eight millions and a half of dollars. A portion of this sum may be considered as a commencement of accumulation of the surplusses of revenue, which, after paying the instalments of debts as they shall become payable, will remain without any specific object. It may partly, indeed, be applied towards completing the defence of the exposed points of our country on such a scale as shall be adapted to our principles and circumstances. This object is doubtless among the first entitled to attention, in such a state of our finances, and it is one which, whether we have peace or war, will provide security where it is due. Whether what shall remain of this, with the future surplusses, may be usefully applied to purposes already authorized, or more usefully to others requiring new authorities, or how otherwise they shall be disposed of, are questions calling for the notice of Congress, unless indeed they shall be superseded by a change in our public relations,

now awaiting the determination of others. Whatever be that determination, it is a great consolation that it will become known at a moment when the supreme council of the nation is assembled at its post, and ready to give the aids of its wisdom and authority to whatever course the good of our country shall then call us to pursue.

Matters of minor importance will be the subjects of future communications, and nothing shall be wanting on my part which may give information or despatch to the proceedings of the legislature in the exercise of their high duties, and at a moment so interesting to the public welfare.

SPECIAL MESSAGE,

DECEMBER 18, 1807.

To the Senate and House of Representatives of the United States:

The communications now made, showing the great and increasing dangers with which our vessels, our seamen, and merchandise, are threatened on the high seas and elsewhere, from the belligerent powers of Europe; and it being of the greatest importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantages which may be expected from an inhibition of the departure of our vessels from the ports of the United States.

Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.

SPECIAL MESSAGE,

FEBRUARY 9, 1808.

To the Senate and House of Representatives of the United States:

I communicate to Congress for their information, a letter from the person acting in the absence of our consul at Naples, giving reason to believe, on the affidavit of a Captain Sheffield, of the American schooner Mary Ann, that the dey of Algiers has commenced war against the United States. For this, no just cause has been given our part within my knowledge. We may daily expect more authentic and particular information on the subject from Mr. Lear, who was residing as our consul at Algiers.

SPECIAL MESSAGE,

FEBRUARY 8, 1808.

To the Senate and House of Representatives of the United States:

The dangers to our country, arising from the contests of other nations, and the urgency of making preparation for whatever events might affect our relations with them, have been intimated in preceding messages to Congress. To secure ourselves by due precautions, an augmentation of our military force, as well regular, as of volunteer militia, seems to be expedient. The precise extent of that augmentation cannot as yet be satisfactorily suggested; but that no time may be lost, and especially at a season deemed favorable to the object, I submit to the wisdom of the legislature whether they will authorize a commencement of this precautionary work by a provision for raising and organizing some additional force, reserving to themselves to decide its ultimate extent on such

views of our situation as I may be enabled to present at a future day of the session.

If an increase of force be now approved, I submit to their consideration the outlines of a plan proposed in the enclosed letter from the secretary of war.

I recommend, also, to the attention of Congress the term at which the act of April 18, 1806, concerning the militia will expire, and the effect of that expiration.

SPECIAL MESSAGE

MARCH 22, 1808.

To the Senate and House of Representatives of the United States:

At the opening of the present session I informed the legislature that the measures which had been taken with the government of Great Britain for the settlement of our neutral and national rights, and of the conditions of commercial intercourse with that nation, had resulted in articles of a treaty, which could not be acceded to on our part; that instructions had consequently been sent to our ministers there to resume the negotiations, and to endeavor to obtain certain alterations, and that this was interrupted by the transaction which took place between the frigates Leopard and Chesapeake: the call on that government for reparation of this wrong produced, as Congress have been already informed, the mission of a special minister to this country; and the occasion is now arrived when the public interest permits and requires that the whole of these proceedings should be made known to you.

I therefore now communicate the instructions given to our minister resident at London, and his communications to that government on the subject of the Chesapeake, with the correspondence which has taken place here between the secretary of state and Mr. Rose, the special minister charged with the adjustment of that difference; the in-

structions to our ministers for the formation of a treaty; their correspondence with the British commissioners and with their own government on that subject; the treaty itself, and written declaration of the British commissioners accompanying it, and the instructions given by us for resuming the negotiation, with the proceedings and correspondence subsequent thereto. To these I have added a letter lately addressed to the secretary of state from one of our late ministers, which, though not strictly written in an official character, I think it my duty to communicate, in order that his views of the proposed treaty, and its several articles, may be fairly presented and understood.

Although I have heretofore, and from time to time, made such communications to Congress as to keep them possessed of a general and just view of the proceedings and dispositions of the government of France towards this country, yet, in our present critical situation, when we find no conduct on our part, however impartial and friendly, has been sufficient to insure from either belligerent a just respect for our rights, I am desirous that nothing shall be omitted on my part which may add to your information on this subject, or contribute to the correctness of the views which should be formed. The papers which for these reasons I now lay before you, embrace all the communications, official or verbal, from the French government, respecting the general relations between the two countries which have been transmitted through our minister there, or through any other accredited channel, since the last session of Congress, to which time all information of the same kind had from time to time been given. Some of these papers have already been submitted to Congress; but it is thought better to offer them again, in order that the chain of communications, of which they make a part, may be presented unbroken.

When, on the 26th of February, I communicated to both houses the letter of General Armstrong to M. Champagny, I desired it might not be published, because of the tendency of that practice to restrain injuriously the freedom of our foreign correspondence. But perceiving that this caution, proceeding purely from a regard for the

public good, has furnished occasion for disseminating unfounded suspicions and insinuations, I am induced to believe that the good which will now result from its publication, by confirming the confidence and union of our fellow-citizens, will more than countervail the ordinary objection to such publications. It is my wish, therefore, that it may be now published.

EIGHTH ANNUAL MESSAGE,

NOVEMBER 8, 1808.

To the Senate and House of Representatives of the United States:

It would have been a source, fellow-citizens, of much gratification, if our last communications from Europe had enabled me to inform you that the belligerent nations, whose disregard of neutral rights has been so destructive to our commerce, had become awakened to the duty and true policy of revoking their unrighteous edicts. That no means might be omitted to produce this salutary effect, I lost no time in availing myself of the act authorizing a suspension, in whole or in part, of the several embargo laws. Our ministers at London and Paris were instructed to explain to the respective governments there our disposition to exercise the authority in such manner as would withdraw the pretext on which the aggressions were originally founded, and open the way for a renewal of that commercial intercourse which, it was alleged on all sides, had been reluctantly obstructed. As each of those governments had pledged its readiness to concur in renouncing a measure which reached its adversary through the incontestible rights of neutrality only, and as the measure had been assumed by each as a retaliation for an asserted acquiescence in the aggressions of the other, it was reasonably expected that the occasion would have been seized by both for evincing the sincerity of their professions, and for restoring to the commerce of the United

States its legitimate freedom. The instructions to our ministers with respect to the different belligerents, were necessarily modified with reference to their different circumstances, and to the condition annexed by law to the executive power of suspension, requiring a degree of security to our commerce which would not result from a repeal of the decrees of France. Instead of a pledge, therefore, of a suspension of the embargo as to her, in case of such a repeal, it was presumed that a sufficient inducement might be found in other considerations, and particularly in the change produced by a compliance with our just demands by one belligerent, and a refusal by the other in the relation between the other and the United States. To Great Britain, whose power on the ocean is so ascendant, it was deemed not inconsistent with that condition to state explicitly, that, on her rescinding her orders in relation to the United States, their trade would be opened with her, and remain shut to her enemy, in case of his failure to rescind his decrees also. From France no answer has been received, nor any indication that the requisite change in her decrees is contemplated. The favorable reception of the proposition to Great Britain was the less to be doubted, as her orders of council had not only been referred for their vindication to an acquiescence on the part of the United States no longer to be pretended; but as the arrangement proposed, whilst it resisted the illegal decrees of France, involved, moreover, substantially, the precise advantages professedly aimed at by the British orders. The arrangement has nevertheless been rejected.

The candid and liberal experiment having thus failed, and no other event having occurred on which a suspension of the embargo by the executive was authorized, it necessarily remains in the extent originally given to it. We have the satisfaction, however, to reflect, that, in return for the privations imposed by the measure, and which our fellow-citizens in general have borne with patriotism, it has had the important effects of saving our mariners, and our vast mercantile property, as well as of affording time for prosecuting the defensive and provisional measures called for by the occasion. It has demonstrated to

foreign nations the moderation and firmness which govern our councils, and to our citizens the necessity of uniting in support of the laws and the rights of their country, and has thus long frustrated those usurpations and spoliations which, if resisted, involved war, and if submitted to, sacrificed a vital principle of our national independence.

Under a continuance of the belligerent measures, which, in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things; and bringing with them, as they do, from every part of the Union, the sentiments of our constituents, my confidence is strengthened that, in forming this decision, they will, with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made. Nor should I do justice to the virtues which, on other occasions, have marked the character of our fellow-citizens, if I did not cherish an equal confidence that the alternative chosen, whatever it may be, will be maintained with all the fortitude and patriotism which the crisis ought to inspire.

The documents containing the correspondences on the subject of the foreign edicts against our commerce, with the instructions given to our ministers at London and Paris, are now laid before you.

The communications made to Congress at their last session explained the posture in which the close of the discussion relating to the attack by a British ship of war on the frigate Chesapeake, left a subject on which the nation had manifested so honorable a sensibility. Every view of what had passed authorized a belief that immediate steps would be taken by the British government for redressing a wrong, which, the more it was investigated, appeared the more clearly to require what had not been provided for in the special mission. It is found that no steps have been taken for the purpose. On the contrary, it will be seen, in the documents laid before you, that the inadmissible preliminary, which obstructed the adjustment, is still adhered to; and, moreover, that it is now brought into connection with the distinct and irrelative

case of the orders in council. The instructions which had been given to our ministers at London, with a view to facilitate, if necessary, the reparation claimed by the United States, are included in the documents communicated.

Our relations with the other powers of Europe have undergone no material changes since your last session. The important negotiations with Spain, which had been alternately suspended and resumed, necessarily experience a pause under the extraordinary and interesting crisis which distinguishes her internal situation.

With the Barbary powers we continue in harmony, with the exception of an unjustifiable proceeding of the dey of Algiers towards our consul to that regency. Its character and circumstances are now laid before you, and will enable you to decide how far it may, either now or hereafter, call for any measures not within the limits of the executive authority.

With our Indian neighbors the public peace has been steadily maintained. Some instances of individual wrong have, as at other times, taken place, but in no wise implicating the will of the nation. Beyond the Mississippi, the Ioways, the Sacs, and the Alabamas have delivered up for trial and punishment, individuals from among themselves, accused of murdering citizens of the United States. On this side of the Mississippi, the Creeks are exerting themselves to arrest offenders of the same kind; the Choctaws have manifested their readiness and desire for amicable and just arrangements respecting depredations committed by disorderly persons of their tribe. And, generally, from a conviction that we consider them as a part of ourselves, and cherish with sincerity their rights and interests, the attachment of the Indian tribes is gaining strength daily, is extending from the nearer to the more remote, and will amply requite us for the justice and friendship practised towards them. Husbandry and household manufacture are advancing among them, more rapidly with the southern than the northern tribes, from circumstances of soil and climate; and one of the two great divisions of the Cherokee nation have now under consideration to solicit the citizenship of the United

States, and to be identified with us in laws and government, in such progressive manner as we shall think best.

In consequence of the appropriations of the last session of Congress for the security of our seaport towns and harbors, such works of defence have been erected as seemed to be called for by the situation of the several places, their relative importance, and the scale of expense indicated by the amount of the appropriation. These works will chiefly be finished in the course of the present season, except at New York and New Orleans, where most was to be done; and although a great proportion of the last appropriation has been expended on the former place, yet some further views will be submitted to Congress for rendering its security entirely adequate against naval enterprise. A view of what has been done at the several places, and of what is proposed to be done, shall be communicated as soon as the several reports are received.

Of the gun-boats authorized by the act of December last, it has been thought necessary to build only 103 in the present year. These, with those before possessed, are sufficient for the harbors and waters exposed, and the residue will require little time for their construction when it is deemed necessary.

Under the act of the last session for raising an additional military force, so many officers were immediately appointed as were necessary for carrying on the business of recruiting, and in proportion as it advanced, others have been added. We have reasons to believe their success has been satisfactory, although such returns have not yet been received as enable me to present to you a statement of the numbers engaged.

I have not thought it necessary in the course of the last season, to call for any general detachments of militia or volunteers, under the laws passed for that purpose. For the ensuing season, however, they will be required to be in readiness should their service be wanted. Some small and special detachments have been necessary to maintain the laws of embargo on that portion of our northern frontier which offered peculiar facilities for evasion; but these were replaced as soon as it could be done, by bodies of

new recruits. By the aid of these, and of the armed vessels called into service in other quarters, the spirit of disobedience and abuse which manifested itself early and with sensible effect while we were unprepared to meet it, has been considerably repressed.

Considering the extraordinary character of the times in which we live, our attention should unremittingly be fixed on the safety of our country. For a people who are free, and who mean to remain so, a well-organized and armed militia is their best security. It is therefore incumbent on us, at every meeting to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the states have paid a laudable attention to this object; but every degree of neglect is to be found among others. Congress alone have power to produce a uniform state of preparation in this great organ of defence; the interest which they so deeply feel in their own and their country's security, will present this as among the most important objects of their deliberation.

Under the acts of March 11 and April 23, respecting arms, the difficulty of procuring them from abroad during the present situation and dispositions of Europe, induced us to direct our whole efforts to the means of internal supply. The public factories have therefore been enlarged, additional machineries erected, and, in proportion as artificers can be found or formed, their effect, already more than doubled, may be increased so as to keep pace with the yearly increase of the militia. The annual sums appropriated by the latter act have been directed to the encouragement of private factories of arms, and contracts have been entered into with individual undertakers to nearly the amount of the first year's appropriation.

The suspension of our foreign commerce, produced by the injustice of the belligerent powers, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have thus been forced, has impelled us to apply a portion of our industry and capital to internal manufactures and improve-

ments. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions, become permanent. The commerce with the Indians, too, within our own boundaries, is likely to receive abundant aliment from the same internal source, and will secure to them peace and the progress of civilization, undisturbed by practices hostile to both.

The accounts of the receipts and expenditures during the year ending on the 30th day of September last, being not yet made up, a correct statement will hereafter be transmitted from the treasury. In the mean time, it is ascertained that the receipts have amounted to near eighteen millions of dollars, which, with the eight millions and a half in the treasury at the beginning of the year, have enabled us, after meeting the current demands, and interest incurred, to pay two millions three hundred thousand dollars of the principal of our funded debt, and left us in the treasury, on that day, near fourteen millions of dollars. Of these, five millions three hundred and fifty thousand dollars will be necessary to pay what will be due on the first day of January next, which will complete the reimbursement of the eight per cent. stock. These payments, with those made in the six years and a half preceding, will have extinguished thirty-three millions five hundred and eighty thousand dollars of the principal of the funded debt, being the whole which could be paid within the limits of the law and of our contracts; and the amount of principal thus discharged will have liberated the revenue from about two millions of dollars of interest, and added that sum annually to the disposable surplus. The probable accumulation of the surplusses of revenue beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or, shall it not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of

prosperity and union, under the powers which Congress may already possess, or such amendment of the constitution as may be approved by the states? While uncertain of the course of things, the time may be advantageously employed in obtaining the powers necessary for a system of improvement, should that be thought best.

Availing myself of this, the last occasion which will occur, of addressing the two houses of the legislature at their meeting, I cannot omit the expression of my sincere gratitude for the repeated proofs of confidence manifested to me by themselves and their predecessors since my call to the administration, and the many indulgences experienced at their hands. The same grateful acknowledgements are due to our fellow-citizens generally, whose support has been my great encouragement under all embarrassments. In the transaction of their business I cannot have escaped error. It is incident to our imperfect nature. But I may say with truth, my errors have been of the understanding, not of intention; and that the advancement of their rights and interests has been the constant motive for every measure. On these considerations I solicit their indulgence. Looking forward with anxiety to their future destinies, I trust that, in their steady character, unshaken by difficulties, in their love of liberty, obedience to law, and support of the public authorities, I see a sure guarantee of the permanence of our republic; and retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion that Heaven has in store for our beloved country long ages to come of prosperity and happiness.

PRES. JACKSON'S PROCLAMATION,

DECEMBER 11, 1832.

Whereas, a convention assembled in the state of South Carolina have passed an ordinance by which they declare, "That the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially" two acts for the same purposes, passed on the 29th of May, 1828, and on the 14th of July, 1832, "are unauthorized by the constitution of the United States, and violate the true meaning and intent thereof, and are null and void, and no law," nor binding on the citizens of that state or its officers: and by the said ordinance, it is further declared to be unlawful for any of the constituted authorities of the state or of the United States to enforce the payment of the duties imposed by the said acts within the same state, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said ordinance.

And whereas, by the said ordinance, it is further ordained, that in no case of law or equity, decided in the courts of said state, wherein shall be drawn in question the validity of the said ordinance, or of the acts of the legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and that any person attempting to take such appeal shall be punished as for contempt of court.

And finally, the said ordinance declares that the people of South Carolina will maintain the said ordinance at every hazard; and that they will consider the passage of any act by Congress abolishing or closing the ports of the said state, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the federal government to coerce the state,

shut up her ports, destroy or harass her commerce, or to enforce the said act otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of the said state will henceforth hold themselves absolved from all further obligation to maintain their political connection with the people of the other states, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent states may of right do.

And whereas, the said ordinance prescribes to the people of South Carolina a course of conduct, in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its constitution, and having for its object the destruction of the Union—that Union which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence —that sacred Union, hitherto inviolate, which, perfected by our happy constitution, has brought us by the favor of Heaven to a state of prosperity at home, and high consideration abroad, rarely, if ever, equalled in the history of nations. To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow-citizens have reposed in me, I, ANDREW JACKSON, *President of the United States*, have thought proper to issue this my PROCLAMATION, stating my views of the constitution and laws applicable to the measures adopted by the convention of South Carolina, and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now, or may hereafter be invested, for preserving the peace of the Union, and for the execution of the laws. But the

imposing aspect which opposition has assumed in this case, by clothing itself with state authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures, while there is a hope that any thing will be yielded to reasoning and remonstrance, perhaps demand, and will certainly justify a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

The ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional, and too oppressive to be endured, but on the strange position that any one state may not only declare an act of Congress void, but prohibit its execution—that they may do this consistently with the constitution—that the true construction of that instrument permits a state to retain its place in the Union, and yet be bound by no other of its laws than it may choose to consider as constitutional. It is true, they add, that to justify this abrogation of a law, it must be palpably contrary to the constitution; but it is evident, that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws. For, as by the theory, there is no appeal, the reason alleged by the state, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress. There is, however, a restraint in this last case, which makes the assumed power of a state more indefeasible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress, one to the judiciary, the other to the people and the states. There is no appeal from the state decision in theory, and the practical illustration shows that the courts are closed against the application to review it, both judges and jurors being sworn to decide in its favor. But reasoning on this subject is superfluous when our social compact in express terms declares that the laws of the

United States, its constitution, and treaties made under it, are the supreme law of the land—and for greater caution adds, "that the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding." And it may be asserted without fear of refutation, that no federative government could exist without a similar provision. Look for a moment to the consequences. If South Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port, and no revenue could be collected any where: for all impost must be equal. It is no answer to repeat, that an unconstitutional law is no law, so long as the question of its legality is to be decided by the state itself; for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented as unconstitutional, and, as has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and non-intercourse law in the eastern states, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but fortunately none of those states discovered that they had the right now claimed by South Carolina. The war into which we were forced to support the dignity of the nation and the rights of our citizens, might have ended in defeat and disgrace, instead of victory and honor, if the states who supposed it a ruinous and unconstitutional measure had thought they possessed the right of nullifying the act by which it was declared, and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our constitution was reserved for the present day. To the statesmen of South Carolina belongs the invention, and upon the citi-

zens of that state will unfortunately fall the evil of reducing it to practice.

If the doctrine of a state veto upon the laws of the Union, carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation, had it been proposed to form a feature in our government.

In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defence, and before the declaration of independence we were known in our aggregate character AS THE UNITED COLONIES OF AMERICA. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts; and when the terms of confederation were reduced to form, it was in that of a solemn league of several states, by which they agreed, that they would collectively form one nation for the purpose of conducting some certain domestic concerns and all foreign relations. In the instrument forming that union is found an article which declares that "every state shall abide by the determination of Congress on all questions which by that confederation should be submitted to them."

Under the confederation, then, no state could legally annul a decision of the Congress, or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisitions, but they were not complied with. The government could not operate on individuals. They had no judiciary, no means of collecting revenue.

But the defects of the confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy constitution was formed, but formed in vain, if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble, made in the name and by the authority of the people of the United States, whose delegates framed, and

whose conventions approved it. The most important among these objects, that which is placed first in rank, on which all others rest, is, "*to form a more perfect union.*" Now, is it possible that even if there were no express provisions giving supremacy to the constitution and laws of the United States, over those of the states—can it be conceived that an instrument made for the purpose of "*forming a more perfect union*" than that of the confederation, could be so constructed by the assembled wisdom of our country as to substitute for that confederation a form of government dependent for its existence on the local interest, the party spirit of a state, or of a prevailing faction in a state?—Every man of plain unsophisticated understanding, who hears the question, will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

I consider then the power to annul a law of the United States, assumed by one state, *incompatible with the existence of the Union, contradicted expressly by the letter of the constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed.*

After this general rule of the leading principle, we must examine the particular application of it which is made in the ordinance.

The preamble rests its justification on these grounds: It assumes as a fact, that the obnoxious laws, although they purport to be laws for raising revenue, were in reality intended for the protection of manufactures, which purpose it asserts to be unconstitutional; that the operation of these laws is unequal; that the amount raised by them is greater than is required by the wants of the government; and, finally; that the proceeds are to be applied to objects unauthorized by the constitution. These are only causes alleged to justify an open opposition to the laws of the country, and a threat of seceding from the Union if any attempt should be made to enforce them. The first virtually acknowledges that the law in question was passed under a power expressly given by the

constitution, to lay and collect imposts; but its constitutionality is drawn in question from the motives of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position that an unconstitutional purpose, entertained by the members who assent to a law enacted under a constitutional power, shall make that law void; for how is that purpose to be ascertained? Who is to make the scrutiny? How often may bad purposes be falsely imputed—in how many cases are they concealed by false professions—in how many is no declaration of motives made? Admit this doctrine, and you give to the states an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted, that a state may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

The next objection is, that the laws in question operate unequally. This objection may be made with truth to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional, and if all laws of that description may be abrogated by any state for that cause, then indeed is the federal constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our union. We have received it as the work of the assembled wisdom of the nation. We have trusted to it as to the sheet anchor of our safety in the stormy times of conflict with a foreign or domestic foe. We have looked to it with sacred awe as the palladium of our liberties, and with all the solemnities of religion have pledged to each other our lives and fortunes here, and our hopes of happiness hereafter, in its defence and support. Were we mistaken, my countrymen, in attaching this importance to the constitution of our country? Was our devotion paid to the wretched, inefficient, clumsy contrivance which this new doctrine would make it? Did we pledge ourselves to the support of an airy nothing, a bubble that must be blown away by the first breath of disaffection? Was

this self-destroying, visionary theory, the work of the profound statesmen, the exalted patriots, to whom the task of constitutional reform was entrusted? Did the name of Washington sanction, did the states ratify such an anomaly in the history of fundamental legislation? No. We were not mistaken. The letter of this great instrument is free from this radical fault; its language directly contradicts the imputation; its spirit—its evident intent contradicts it. No, we did not err! Our constitution does not contain the absurdity of giving power to make laws, and another power to resist them. The sages, whose memory will always be reverenced, have given us a practical, and, as they hoped, a permanent constitutional compact. The father of his country did not affix his revered name to so palpable an absurdity. Nor did the states, when they severally ratified it, do so under the impression that a veto on the laws of the United States was reserved to them, or that they could exercise it by implication. Search the debates in all their conventions—examine the speeches of the most zealous opposers of federal authority—look at the amendments that were proposed—they are all silent—not a syllable uttered, not a vote given, not a motion made to correct the explicit supremacy given to the laws of the Union over those of the states—or to show that implication, as is now contended, could defeat it. No—we have not erred! The constitution is still the object of our reverence, the bond of our Union, our defence in danger, the source of our prosperity in peace. It shall descend, as we have received it, uncorrupted by sophistical construction, to posterity; and the sacrifices of local interest, of state prejudices, of personal animosities, that were made to bring it into existence, will again be patriotically offered for its support.

The two remaining objections made by the ordinance to these laws are, that the sums intended to be raised by them are greater than required, and that the proceeds will be unconstitutionally employed.

The constitution has given expressly to Congress the right of raising revenue and of determining the sum the public exigencies will require. The states have no con-

trol over the exercise of this right, other than that which results from the power of changing the representatives who abuse it; and thus procure redress. Congress may undoubtedly abuse this discretionary power, but the same may be said of others with which they are vested. Yet the discretion must exist somewhere. The constitution has given it to the representatives of all the people, checked by the representatives of the states and the executive power. The South Carolina construction gives it to the legislature or the convention of a single state, where neither the people of the different states, nor the states in their separate capacity, nor the chief magistrate elected by the people, have any representation. Which is the most discreet disposition of the power? I do not ask you, fellow-citizens, which is the constitutional disposition—that instrument speaks a language not to be misunderstood. But if you were assembled in general convention, which would you think the safest depository of this discretionary power in the last resort? Would you add a clause giving it to each of the states, or would you sanction the wise provisions already made by your constitution? If this should be the result of your deliberations when providing for the future, are you, can you be ready, to risk all that we hold dear, to establish, for a temporary and a local purpose, that which you must acknowledge to be destructive and even absurd as a general provision? Carry out the consequences of this right vested in the different states, and you must perceive that the crisis your conduct presents at this day would recur whenever any law of the United States displeased any of the states, and we should soon cease to be a nation.

The ordinance, with the same knowledge of the future that characterises a former objection, tells you that the proceeds of the tax will be unconstitutionally applied. If this could be ascertained with certainty, the objection would, with more propriety, be reserved for the laws so applying the proceeds, but surely cannot be urged against the law levying the duty.

These are the allegations contained in the ordinance. Examine them seriously, my fellow-citizens,—judge for yourselves. I appeal to you to determine whether they

are so clear, so convincing, as to leave no doubt of their correctness: and even if you should come to this conclusion, how far they justify the reckless, destructive course which you are directed to pursue. Review these objections, and the conclusions drawn from them, once more. What are they? Every law then for raising revenue, according to the South Carolina ordinance, may be rightfully annulled, unless it be so framed as no law ever will or can be framed. Congress have a right to pass laws for raising revenue, and each state have a right to oppose their execution—two rights directly opposed to each other; and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the states and general government, by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

In vain have these sages declared that Congress shall have power to lay and collect taxes, duties, imposts, and excises—in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution, that those laws, and that constitution shall be the "supreme law of the land, and that the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding." In vain have the people of the several states solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were called on to execute any office. Vain provision! ineffectual restrictions! vile profanation of oaths! miserable mockery of legislation! if a bare majority of the voters in any one state may, on a real or supposed knowledge of the intent in which a law has been passed, declare themselves free from its operations—say, here it gives too little, there too much, and operates unequally—here it suffers articles to be free that ought to be taxed—there it taxes those that ought to be free—in this case, the proceeds are intended to be applied to purposes which we do not approve—in that, the amount raised is more than is wanted.

Congress, it is true, are invested by the constitution

with the right of deciding these questions according to their sound discretion: Congress is composed of the representatives of all the states, and of all the people of all the states; but WE, part of the people of one state, to whom the constitution has given no power on the subject, from whom it is expressly taken away—WE, who have solemnly agreed that this constitution shall be our law—WE, most of whom have sworn to support it—WE now abrogate this law, and swear, and force others to swear, that it shall not be obeyed. And we do this, not because Congress have no right to pass such laws; this we do not allege; but because they have passed them with improper views. They are unconstitutional from the motives of those who passed them, which we can never with certainty know—from their unequal operation, although it is impossible, from the nature of things, that they should be equal—and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop there. It repeals, in express terms, an important part of the constitution itself, and of laws passed to give it effect, which have never been alleged to be unconstitutional. The constitution declares that the judicial powers of the United States extend to cases arising under the laws of the United States, and that such laws, the constitution and treaties shall be paramount to the state constitutions and laws. The judiciary act prescribes the mode by which the case may be brought before a court of the United States, by appeal, when a state tribunal shall decide against this provision of the constitution. The ordinance declares there shall be no appeal—makes the state law paramount to the constitution and laws of the United States—forces judges and jurors to swear that they will disregard their provisions, and even makes it penal in a suitor to attempt relief by appeal. It further declares that it shall not be lawful for the authorities of the United States or of that state, to enforce the payment of duties imposed by the revenue laws within its limits.

Here is a law of the United States, not even pretended

to be unconstitutional, repealed by the authority of a small majority of the voters of a single state. Here is a provision of the constitution which is solemnly abrogated by the same authority.

On such expositions and reasonings the ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union if any attempt is made to execute them.

This right to secede is deduced from the nature of the constitution, which they say is a compact between sovereign states who have preserved their whole sovereignty, and therefore are subjects to no superior; that because they made the compact, they can break it, when, in their opinion, it has been departed from by the other states. Fallacious as this course of reasoning is, it enlists state pride, and finds advocates in the honest prejudices of those who have not studied the nature of our government sufficiently to see the radical error on which it rests.

The people of the United States formed the constitution, acting through the state legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction show it to be a government in which the people of all the states collectively are represented. We are ONE PEOPLE in the choice of President and Vice-President. Here the states have no other agency than to direct the mode in which the votes shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of the states may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the states, are represented in the executive branch.

In the House of Representatives there is this difference, that the people of one state do not, as in the case of President and Vice-President, all vote for the same officers. The people of all the states do not vote for all the members, each state electing only its own representatives. But this creates no material distinction. When chosen, they are all representatives of the United States,

not representatives of the particular state from which they come. They are paid by the United States, not by the state, nor are they accountable to it for any act done in the performance of their legislative functions; and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents, when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

The constitution of the United States, then, forms a government, not a league, and whether it be formed by compact between the states, or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the states—they retained all the power they did not grant. But each state having expressly parted with so many powers, as to constitute, jointly with the other states, a single nation, cannot from that period possess any right to secede, because such secession does not break a league, but destroys the unity of a nation, and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offence against the whole Union. To say that any state may at pleasure secede from the Union, is to say that the United States are not a nation, because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offence. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right, is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they make a revolution, or incur the penalties consequent on a failure.

Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. It may by its terms

have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt; if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations, generally, has no sanction other than a moral one; or if it should contain a penalty, as there is no common superior, it cannot be enforced. A government, on the contrary, always has a sanction express or implied, and in our case it is both necessarily implied and expressly given. An attempt by force of arms to destroy a government, is an offence, by whatever means the constitutional compact may have been formed; and such government has the right, by the law of self-defence, to pass acts for punishing the offender, unless that right is modified, restrained, or resumed by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant provision has been made for punishing acts which obstruct the due administration of the laws.

It would seem superfluous to add any thing to show the nature of that union which connects us; but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further development to my views on this subject. No one, fellow-citizens, has a higher reverence for the reserved rights of the states than the magistrate who now addresses you. No one would make greater personal sacrifices, or official exertions, to defend them from violation, but equal care must be taken to prevent on their part an improper interference with, or resumption of, the rights they have vested in the nation. The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the constitution; but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the states, and on their having formed in this sove-

reign capacity a compact which is called the constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The states severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers, were all of them functions of sovereign power. The states, then, for all these important purposes, were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the government of the United States; they became American citizens, and owed obedience to the constitution of the United States, and to laws made in conformity with powers vested in Congress. This last position has not been, and cannot be denied. How then can that state be said to be sovereign and independent, whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws, when they come in conflict with those passed by another? What shows conclusively that the states cannot be said to have reserved an undivided sovereignty is, that they expressly ceded the right to punish treason, not treason against their separate power, but treason against the United States. Treason is an offence against *sovereignty*, and sovereignty must reside with the power to punish it. But the reserved rights of the states are not the less sacred because they have, for the common interest, made the general government the depository of these powers. The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the royal government we had no separate character; our opposition to its oppressions began as *United Colonies*. We were the *United States* under the confederation, and the name was perpetuated and the union rendered more perfect by the federal constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and al-

liances were made in the name of all. Troops were raised for the joint defence. How, then, with all these proofs, that under all changes of our position we had, for designated purposes, and with defined powers, created national governments; how is it that the most perfect of those several modes of union, should now be considered as a mere league that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our constitution was only a league, but it is labored to prove it a compact, (which, in one sense, it is,) and then to argue that as a league is a compact, every compact between nations must of course be a league, and that from such an engagement every sovereign power has a right to recede. But it has been shown that in this sense the states are not sovereign, and that even if they were, and the national constitution had been formed by compact, there would be no right in any one state to exonerate itself from its obligations.

So obvious are the reasons which forbid this secession, that it is necessary only to allude to them. The union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the states who magnanimously surrendered their title to the territories of the west recall the grant? Will the inhabitants of the inland states agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf, for their own benefit? Shall there be a free port in one state, and onerous duties in another? No one believes that any right exists in a single state to involve all the others in these and countless other evils contrary to engagements solemnly made. Every one must see that the other states, in self-defence, must oppose it at all hazards.

These are the alternatives that are presented by the convention: a repeal of all the acts for raising revenue, leaving the government without the means of support; or an acquiescence in the dissolution of our Union by the secession of one of its members. When the first was proposed, it was known that it could not be listened to

for a moment. It was known, if force was applied to oppose the execution of the laws, that it must be repelled by force—that Congress could not, without involving itself in disgrace and the country in ruin, accede to the proposition: and yet if this is done in a given day, or if any attempt is made to execute the laws, the state is, by the ordinance, declared to be out of the Union. The majority of a convention assembled for the purpose, have dictated these terms, or rather its rejection of all terms, in the name of the people of South Carolina. It is true that the governor of that state speaks of the submission of their grievances to a convention of all the states; which he says they "sincerely and anxiously seek and desire." Yet this obvious and constitutional mode of obtaining the sense of the other states on the construction of the federal compact, and amending it if necessary, has never been attempted by those who have urged the state on to this destructive measure. The state might have proposed the call for a general convention to the other states; and Congress, if a sufficient number of them concurred, must have called it. But the first magistrate of South Carolina, when he expressed a hope that, "on a review by Congress and the functionaries of the general government of the merits of the controversy," such a convention will be accorded to them, must have known that neither Congress nor any functionary of the general government has authority to call such a convention, unless it be demanded by two thirds of the states. This suggestion, then, is another instance of the reckless inattention to the provision of the constitution with which this crisis has been madly hurried on; or of the attempt to persuade the people that a constitutional remedy had been sought and refused. If the legislature of South Carolina "anxiously desire" a general convention to consider their complaints, why have they not made application for it in the way the constitution points out? The assertion that they "earnestly seek" it, is completely negatived by the omission.

This, then, is the position in which we stand. A small majority of the citizens of one state in the Union have elected delegates to a state convention; that convention

has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The governor of the state has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the state. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended, and it is the intent of this instrument to PROCLAIM not only the duty imposed on me by the constitution "to take care that the laws be faithfully executed," shall be performed to the extent of the powers already vested in me by law, or of such others as the wisdom of Congress shall devise and entrust to me for that purpose; but to warn the citizens of South Carolina, who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal and disorganizing ordinance of the convention—to exhort those who have refused to support it to persevere in their determination to uphold the constitution and the laws of their country—and to point out to all, the perilous situation into which the good people of the state have been led—and that the course they are urged to pursue is one of ruin and disgrace to the very state whose rights they affect to support.

Fellow-citizens of my native state!—let me not only admonish you, as the first magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves, or wish to deceive you. Mark under what pretences you have been led on to the brink of insurrection and treason, on which you stand. First, a diminution of the value of your staple commodity, lowered by over-production in other quarters, and the consequent diminution in the value of your lands, were the sole effect of the tariff laws. The effect of those laws was confessedly injurious; but the evil was greatly exaggerated by the unfounded theory you were taught to

believe, that its burdens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submission to those laws was a state of vassalage, and that resistance to them was equal, in patriotic merit, to the opposition our fathers offered to the oppressive laws of Great Britain. You were told that this opposition might be peaceably—might be constitutionally made; that you might enjoy all the advantages of the Union, and bear none of its burdens. Eloquent appeals to your passions, to your state pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask which concealed the hideous feature of DISUNION should be taken off. It fell, and you were made to look with complacency on objects which not long since you would have regarded with horror. Look back to the arts which have brought you to this state—look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you, that you had the revolutionary gift of resisting all laws that were palpably unconstitutional and intolerably oppressive. It was added that the right to nullify a law rested on the same principle, but that it was a peaceable remedy! This character which was given to it, made you receive with too much confidence the assertions that were made of the unconstitutionality of the law, and its oppressive effects. Mark, my fellow-citizens, that by the admission of your leaders the unconstitutionality must be *palpable*, or it will not justify either resistance or nullification! What is the meaning of the word *palpable*, in the sense in which it is here used?—that which is apparent to every one, that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description? Let those among your leaders who once approved and advocated the principle of protective duties, answer the question; and let them choose whether they will be considered as incapable, then, of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence, and

endeavoring to mislead you now. In either case, they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty, emulating the fame of our revolutionary fathers, nor are you an oppressed people contending, as they repeat to you, against worse than colonial vassalage.

You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally passed, but that inequality must necessarily be removed. At the very moment when you were madly urged on to the unfortunate course you have begun, a change in public opinion had commenced. The nearly approaching payment of the public debt, and the consequent necessity of a diminution of duties, had already produced a considerable reduction, and that, too, on some articles of general consumption in your state. The importance of this change was underrated, and you were authoritatively told that no further alleviation of your burdens was to be expected at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change, in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

I have urged you to look back to the means that were used to hurry you on to the position you have now assumed, and forward to the consequences it will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part! Consider its government uniting in one bond of common interest and general protection so many different states—giving to their inhabitants the proud title of American citizen, protecting their commerce, securing their literature and their arts, facilitating their intercommunication, defending the frontiers, and making their names respected in the remotest parts of the earth! Consider the extent of its territory, its increasing and happy popu-

lation, its advance in arts, which render life agreeable, and the sciences which elevate the mind! See education spreading the lights of religion, morality, and general information into every cottage in this wide extent of our territories and states! Behold it as the asylum where the wretched and the oppressed find a refuge and support! Look on this picture of happiness and honor, and say, WE, TOO, ARE CITIZENS OF AMERICA—Carolina is one of these proud states, her arms have defended, her best blood has cemented this happy Union! And then add, if you can, without horror and remorse, this happy Union we will dissolve, this picture of peace and prosperity we will deface, this free intercourse we will interrupt, these fertile fields we will deluge with blood, the protection of that glorious flag we renounce, the very name of Americans we discard. And for what, mistaken men? for what do you throw away these inestimable blessings? for what would you exchange your share in the advantages and honor of the Union? For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbors, and a vile dependence on foreign power. If your leaders could succeed in establishing a separation, what would be your situation? Are you united at home—are you free from apprehension of civil discord, with all its fearful consequences? Do our neighboring republics, every day suffering some new revolution, or contending with some new insurrection—do they excite your envy? But the dictates of a high duty oblige me solemnly to announce that you cannot succeed. The laws of the United States must be executed. I have no discretionary power on the subject; my duty is emphatically pronounced in the constitution. Those who told you that you might peaceably prevent their execution deceived you; they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion: but be not deceived by names; disunion, by armed force, is *treason*. Are you really ready to incur its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences. On

their heads be the dishonor, but on yours may fall the punishment. On your unhappy state will inevitably fall all the evils of the conflict you force upon the government of your country. It cannot accede to the mad project of disunion, of which you would be the first victims. Its first magistrate cannot, if he would, avoid the performance of his duty. The consequence must be fearful for you, distressing to your fellow-citizens here, and to the friends of good government throughout the world. Its enemies have beheld our prosperity with a vexation they could not conceal. It was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinckneys, the Sumpters, the Rutledges, and of the thousand other names which adorn the pages of your revolutionary history, will not abandon that Union, to support which so many of them fought, and bled, and died. I adjure you, as you honor their memory, as you love the cause of freedom, to which they dedicated their lives, as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your state the disorganizing edicts of its convention; bid its members to re-assemble, and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity, and honor. Tell them that, compared to disunion, all other evils are light, because that brings with it an accumulation of all. Declare that you will never take the field unless the star-spangled banner of your country shall float over you; that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the constitution of your country! Its destroyers you cannot be. You may disturb its peace, you may interrupt the course of its prosperity, you may cloud its reputation for stability; but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred, and remain an eternal blot on the memory of those who first caused the disorder.

Fellow-citizens of the United States! The threat of unhallowed disunion, the names of those once respected by whom it was uttered—the array of military force to support it—denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments, may depend. The conjuncture demanded a free, a full and explicit enunciation, not only of my intentions, but of my principles of action; and as the claim was asserted of a right by a state to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our government, and the construction I give to the instrument by which it was created, seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on undivided support in my determination to execute the laws—to preserve the union by all constitutional means—to arrest, if possible, by moderate but firm measures, the necessity of a recourse to force: and if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by an offensive act on the part of the United States.

Fellow-citizens! The momentous case is before you. On your undivided support of your government depends the decision of the great question it involves, whether your sacred Union will be preserved, and the blessing it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed, will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom and the courage which it will bring to their defence, will transmit them unimpaired and invigorated to our children.

May the great Ruler of nations grant that the signal blessings with which He has favored ours, may not by the madness of party or personal ambition be disregarded and lost: and may His wise Providence bring those who produced this crisis, to see the folly before they feel the

misery of civil strife; and inspire a returning veneration for that Union, which, if we may dare to penetrate His designs, he has chosen as the only means of attaining the high destinies to which we may reasonably aspire

NULLIFICATION MESSAGE,

JANUARY 16, 1833.

Fellow-Citizens of the Senate and House of Representatives:

In my annual message, at the commencement of your present session, I adverted to the opposition to the revenue laws in a particular quarter of the United States, which threatened not merely to thwart their execution, but to endanger the integrity of the Union. And, although I then expressed my reliance that it might be overcome by the prudence of the officers of the United States, and the patriotism of the people, I stated that, should the emergency arise rendering the execution of the existing laws impracticable from any cause whatever, prompt notice should be given to Congress, with the suggestion of such views and measures as might be necessary to meet it.

Events which have occurred in the quarter then alluded to, or which have come to my knowledge subsequently, present this emergency.

Since the date of my last annual message, I have had officially transmitted to me by the governor of South Carolina, which I now communicate to Congress, a copy of the ordinance passed by the convention which assembled at Columbia, in the state of South Carolina, in November last, declaring certain acts of Congress therein mentioned, within the limits of that state to be absolutely null and void, and making it the duty of the legislature to pass such laws as would be necessary to carry the same into effect from and after the first of February next.

The consequences to which this extraordinary defiance of the just authority of the government might too surely lead, were clearly foreseen, and it was impossible

for me to hesitate as to my own duty in such an emergency.

The ordinance had been passed, however, without any certain knowledge of the recommendation which, from a view of the interests of the nation at large, the executive had determined to submit to Congress: and a hope was indulged that, by frankly explaining his sentiments, and the nature of those duties which the crisis would devolve upon him, the authorities of South Carolina might be induced to retrace their steps. In this hope, I determined to issue my proclamation of the 10th December last, a copy of which I now lay before Congress.

I regret to inform you that these reasonable expectations have not been realized, and that the several acts of the legislature of South Carolina, which I now lay before you, and which have all and each of them finally passed, after a knowledge of the desire of the administration to modify the laws complained of, are too well calculated, both in their positive enactments and in the spirit of opposition which they obviously encourage, wholly to obstruct the collection of the revenue within the limits of that state.

Up to this period, neither the recommendation of the executive in regard to our financial policy and impost system, nor the disposition manifested by Congress promptly to act upon that subject, nor the unequivocal expression of the public will in all parts of the Union, appears to have produced any relaxation in the measures of the opposition adopted by the state of South Carolina; nor is there any reason to hope that the ordinance and laws will be abandoned.

I have no knowledge that an attempt has been made, or that it is in contemplation, to re-assemble either the convention or the legislature; and it will be perceived that the interval before the first of February is too short to admit of the preliminary steps necessary for that purpose. It appears, moreover, that the state authorities are actively organizing their military resources, and providing the means, and giving the most solemn assurances of protection and support to all who shall enlist in opposition to the revenue laws.

A recent proclamation of the present governor of South Carolina has openly defied the authority of the executive of the Union, and general orders from the headquarters of the state announced his determination to accept the services of volunteers, and his belief, that should their country need their services, they will be found at the post of honor and duty, ready to lay down their lives in her defence. Under these orders, the forces referred to, are directed to "hold themselves in readiness to take the field at a moment's warning;" and in the city of Charleston, within a collection district and a port of entry, a rendezvous has been opened for the purpose of enlisting men for the magazine and municipal guard. Thus South Carolina presents herself in the attitude of hostile preparation, and ready even for military violence, if need be, to enforce her laws for preventing the collection of the duties within her limits.

Proceedings thus announced and matured must be distinguished from menaces of unlawful resistance by irregular bodies of people, who, acting under temporary delusion, may be restrained by reflection and the influence of public opinion, from the commission of actual outrage. In the present instance, aggression may be regarded as committed when it is officially authorized, and the means of enforcing it fully provided.

Under these circumstances, there can be no doubt that it is the determination of the authorities of South Carolina fully to carry into effect their ordinance and laws after the first of February. It therefore becomes my duty to bring the subject to the serious consideration of Congress, in order that such measures as they in their wisdom may deem fit, shall be seasonably provided; and that it may be thereby understood that, while the government is disposed to remove all just cause of complaint, as far as may be practicable consistently with a proper regard to the interests of the community at large, it is nevertheless determined that the supremacy of the laws shall be maintained.

In making this communication, it appears to me to be proper not only that I should lay before you the acts and proceedings of South Carolina, but that I should also

fully acquaint you with those steps which I have already caused to be taken for the due collection of the revenue, and with my views of the subject generally, that the suggestions which the constitution requires me to make, in regard to your future legislation, may be better understood.

This subject having early attracted the anxious attention of the executive, as soon as it was probable that the authorities of South Carolina seriously meditated resistance to the faithful execution of the revenue laws, it was deemed advisable that the secretary of the treasury should particularly instruct the officers of the United States in that part of the Union as to the nature of the duties prescribed by the existing laws.

Instructions were accordingly issued on the 6th of November, to the collectors in that state, pointing out their respective duties, and enjoining upon each a firm and vigilant, but discreet performance of them in the emergency then apprehended.

I herewith transmit copies of these instructions, and of the letter addressed to the district attorney requesting his co-operation. These instructions were dictated in the hope that, as the opposition to the laws by the anomalous proceeding of nullification was represented to be of a pacific nature, to be pursued, substantially, according to the forms of the constitution, and without resorting, in any event, to force or violence, the measures of its advocates would be taken in conformity with that profession; and on such supposition, the means afforded by the existing laws would have been adequate to meet any emergency likely to arise.

It was, however, not possible altogether to suppress apprehension of the excesses to which the excitement prevailing in that quarter might lead; but it certainly was not foreseen that the meditated obstruction to the laws would so soon openly assume its present character.

Subsequently to the date of those instructions, however, the ordinance of the convention was passed, which, if complied with by the people of the state, must effectually render inoperative the present revenue laws within her limits.

That ordinance declares and ordains "that the several acts, and parts of acts, of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having operation and effect within the United States;" and, more especially, "An act in alteration of the several acts imposing duties on imports," approved on the 19th of May, 1828; and also an act entitled "An act to alter and amend the several acts imposing duties on imports," approved on the 14th of July, 1832, are unauthorized by the constitution of the United States, and violate the true intent and meaning thereof, and are null and void, and no law, nor binding upon the state of South Carolina, its officers and citizens; and all promises, contracts, and obligations, made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void."

It also ordains, "that it shall not be lawful for any of the constituted authorities, whether of the state of South Carolina, or of the United States, to enforce the payment of duties imposed by the said acts within the limits of the state, but that it shall be the duty of the legislature to adopt such measures, and pass such acts, as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States, within the limits of the state, from and after the 1st of February next; and it shall be the duty of all other constituted authorities, and of all other persons residing or being within the limits of the state, and they are hereby required and enjoined to obey and give effect to this ordinance, and such acts and measures of the legislature as may be passed or adopted in obedience thereto."

It further ordains, "that in no case of law or equity, decided in the courts of the state, wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the legislature as may be passed for the purpose of giving effect thereto, or the validity of

the aforesaid acts of Congress imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and the person or persons attempting to take such appeal may be dealt with as for a contempt of court."

It likewise ordains, "that all persons holding any office of honor, profit, or trust, civil or military, under the state, shall, within such time and in such manner as the legislature shall prescribe, take an oath well and truly to obey, execute and enforce this ordinance, and such act or acts of the legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do, his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead or had resigned; and no person hereafter elected to any office of honor, profit, or trust, civil or military, shall, until the legislature shall otherwise provide and direct, enter on the execution of his office, or be, in any respect, competent to discharge the duties thereof, until he shall, in like manner, have taken a similar oath; and no juror shall be impannelled in any of the courts of the state, on any cause in which shall be in question this ordinance, or any act of the legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute and enforce this ordinance, and such act or acts of the legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof."

The ordinance concludes: "And we, the people of South Carolina, to the end that it may be fully understood by the government of the United States, and the people of the co-states, that we are determined to maintain this ordinance and declaration at every hazard, do further declare that we will not submit to the application of force on the part of the federal government to reduce the state to obedience; but that we will consider the passage by Congress of any act authorizing the employment of a military or naval force against the state of South Caro-

lina, her constituted authorities or citizens, or any act abolishing or closing the ports of this state, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports; or any other act on the part of the federal government to coerce the state, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this state will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other states, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent states may of right do."

This solemn denunciation of the laws and authority of the United States has been followed up by a series of acts on the part of the authorities of that state, which manifest a determination to render inevitable a resort to those measures of self-defence, which the paramount duty of the federal government requires; but upon the adoption of which that state will proceed to execute the purpose it has avowed in this ordinance, of withdrawing from the Union.

On the 27th of November, the legislature assembled at Columbia; and, on their meeting, the governor laid before them the ordinance of the convention. In his message on that occasion, he acquaints them that "this ordinance has thus become a part of the fundamental law of South Carolina;" that "the die has been at last cast, and South Carolina has at length appealed to her ulterior sovereignty as a member of this confederacy, and has planted herself on her reserved rights. The rightful exercise of this power is not a question which we shall any longer argue. It is sufficient that she has willed it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the general government, within the authorized grants of power, to be drawn in question, when this interposition is exerted in a case in which the compact has been pal-

pably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interest, is neither to be concealed nor denied. This crisis presents a class of duties which is referable to ourselves. You have been commanded by the people, in their highest sovereignty, to take care that, within the limits of this state, their will shall be obeyed."—"The measure of legislation," he says, "which you have to employ at this crisis, is the precise amount of such enactments as may be necessary to render it utterly impossible to collect within our limits the duties imposed by the protective tariffs thus nullified." He proceeds: "That you should arm every citizen with a civil process by which he may claim, if he pleases, a restitution of his goods seized under existing imposts, on his giving security to abide the issue of a suit at law, and, at the same time, define what shall constitute treason against the state, and, by a bill of pains and penalties, compel obedience, and punish disobedience to your own laws, are points too obvious to require any discussion. In one word, you must survey the whole ground. You must look to and provide for all possible contingencies. In your own limits, your own courts of judicature must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the courts of the United States."

The governor also asks for power to grant clearances, in violation of the laws of the Union; and to prepare for the alternative which must happen unless the United States shall passively surrender their authority, and the executive, disregarding his oath, refrain from executing the laws of the Union, he recommends a thorough revision of the militia system, and that the governor "be authorized to accept, for the defence of Charleston and its dependencies, the services of two thousand volunteers, either by companies or files;" and that they be formed into a legionary brigade, consisting of infantry, riflemen, cavalry, field and heavy artillery; and that they be "armed and equipped from the public arsenals completely for the field; and that appropriations be made for supplying all deficiencies in our munitions of war." In addition to

these volunteer drafts, he recommends that the governor be authorized "to accept the services of ten thousand volunteers from the other division of the state, to be organized and arranged into regiments and brigades; the officers to be selected by the commander-in-chief: and that this whole force be called the State Guard."

A request has been regularly made of the secretary of the state of South Carolina, for authentic copies of the acts which have been passed for the purpose of enforcing the ordinance; but, up to the date of the latest advices, that request had not been complied with; and, on the present occasion, therefore, reference can only be made to those acts as published in the newspapers of the state.

The acts to which it is deemed proper to invite the particular attention of Congress, are,

1st. "An act to carry into effect, in part, an ordinance to nullify certain acts of the Congress of the United States, purporting to be laws laying duties on the importation of foreign commodities," passed in convention of this state, at Columbia, on the 24th of November, 1832.

This act provides, that any goods seized or detained under pretence of securing the duties, or for the non-payment of duties, or under any process, order or decree, or other pretext, contrary to the intent and meaning of the ordinance, may be recovered by the owner or consignee, by "an act of replevin." That in case of refusing to deliver them, or removing them so that the replevin cannot be executed, the sheriff may seize the personal estate of the offender to double the amount of the goods; and if any attempt shall be made to retake or seize them, it is the duty of the sheriff to recapture them. And that any person who shall disobey the process, or remove the goods, or any one who shall attempt to retake or seize the goods under pretence of securing the duties, or for non-payment of duties, or under any process or decree, contrary to the intent of the ordinance, shall be fined and imprisoned, besides being liable for any other offence involved in the act.

It also provides that any person arrested or imprisoned on any judgment or decree obtained in any federal court for duties, shall be entitled to the benefit secured by the

habeas corpus act of the state in cases of unlawful arrest, and maintain an action for damages; and that, if any estate shall be sold under such judgment or decree, the sale shall be held illegal. It also provides that any jailor who receives a person committed on any process or other judicial proceedings to enforce the payment of duties, and any one who hires his house as a jail, to receive such persons, shall be fined and imprisoned. And, finally, it provides that persons paying duties may recover them back with interest.

The next is called "An act to provide for the security and protection of the people of the state of South Carolina."

This act provides that if the government of the United States, or any officer thereof, shall, by the employment of naval or military force, attempt to coerce the state of South Carolina into submission to the acts of Congress declared by the ordinance null and void, or to resist the enforcement of the ordinance, or of the laws passed in pursuance thereof, or in case of any armed or forcible resistance thereto, the governor is authorized to resist the same, and to order into service the whole or so much of the military force of the state as he may deem necessary; and that in case of any overt act of coercion or intention to commit the same, manifested by an unusual assemblage of naval or military forces in or near the state, or the occurrence of any circumstances indicating that armed force is about to be employed against the state or in resistance to its laws, the governor is authorized to accept the services of such volunteers, and to call into service such portions of the militia, as may be required to meet the emergency.

The act also provides for accepting the service of the volunteers, and organizing the militia, embracing all free white males between the ages of sixteen and sixty, and for the purchase of arms, ordnance, and ammunition. It also declares that the power conferred on the governor shall be applicable to all cases of insurrection or invasion, or imminent danger thereof, and to cases where the laws of the state shall be opposed, and the execution thereof forcibly resisted, by combinations too powerful to be

suppressed by the power vested in sheriffs and other civil officers; and declares it to be the duty of the governor, in every such case, to call forth such portions of the militia and volunteers as may be necessary promptly to suppress such combinations, and cause the laws of the state to be executed.

No. 9 is "An act concerning the oath required by the ordinance passed in convention at Columbia, on the 24th of November, 1832." This act prescribes the form of the oath, which is, to obey and execute the ordinance and all acts passed by the legislature in pursuance thereof; and directs the time and manner of taking it by the officers of the state, civil, judiciary, and military.

It is believed that other acts have been passed, embracing provisions for enforcing the ordinance; but I have not yet been able to procure them.

I transmit, however, a copy of Governor Hamilton's message to the legislature of South Carolina; of Governor Hayne's inaugural address to the same body, as also of his proclamation, and a general order of the governor and commander-in-chief, dated the 20th of December, giving public notice that the services of volunteers will be accepted under the act already referred to.

If these measures cannot be defeated and overcome by the power conferred by the constitution on the federal government, the constitution must be considered as incompetent to its own defence, the supremacy of the laws is at an end, and the rights and liberties of the citizens can no longer receive protection from the government of the Union. They not only abrogate the acts of Congress, commonly called the tariff acts of 1828 and 1823, but they prostrate and sweep away, at once, and without exception, every act, and every part of every act, imposing any amount whatever of duty on any foreign merchandise; and, virtually, every existing act which has ever been passed, authorizing the collection of the revenue, including the act of 1816, and also the collection law of 1799, the constitutionality of which has never been questioned. It is not only those duties which are charged to have been imposed for the protection of manufactures that are thereby repealed, but all others, though laid for

the purpose of revenue merely, and upon articles in no degree suspected of being objects of protection. The whole revenue system of the United States in South Carolina is obstructed and overthrown; and the government is absolutely prohibited from collecting any part of the public revenue within the limits of that state. Henceforth, not only the citizens of South Carolina and of the United States, but the subjects of foreign states, may import any description or quantity of merchandise into the ports of South Carolina, without the payment of any duty whatsoever. That state is thus relieved from the payment of any part of the public burdens, and duties and imposts are not only rendered not uniform throughout the United States, but a direct and ruinous preference is given to the ports of that state over those of all the other states of the Union, in manifest violation of the positive provisions of the constitution.

In point of duration, also, those aggressions upon the authority of Congress, which, by the ordinance, are made part of the fundamental law of South Carolina, are absolute, indefinite, and without limitation. They neither prescribe the period when they shall cease, nor indicate any conditions upon which those who have thus undertaken to arrest the operation of the laws are to retrace their steps and rescind their measures. They offer to the United States no alternative but unconditional submission. If the scope of the ordinance is to be received as the scale of concession, their demands can be satisfied only by a repeal of the whole system of revenue laws, and by abstaining from the collection of any duties and imposts whatsoever.

It is true, that in the address to the people of the United States, by the convention of South Carolina, after announcing the "fixed and final determination of the state in relation to the protecting system," they say, "that it remains for us to submit a plan of taxation, in which we would be willing to acquiesce, in a liberal spirit of concession, provided we are met in due time, and in a becoming spirit, by the states interested in manufactures." In the opinion of the convention, an equitable plan would be, that "the whole list of protective articles

should be imported free of all duty, and that the revenue derived from import duties should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported, an excise duty of the same rate shall be imposed upon all similar articles manufactured in the United States." The address proceeds to state, however, that "they are willing to make a large offering to preserve the Union, and with a distinct declaration that it is a concession on our part, we will consent that the same rate of duties may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of the government for constitutional purposes, and provided also that a duty substantially uniform be imposed upon all foreign imports."

It is also true, that, in his message to the legislature, when urging the necessity of providing "means of securing their safety by ample resources for repelling force by force," the governor of South Carolina observes, that he "cannot but think that, on a calm and dispassionate review by Congress and the functionaries of the general government, of the true merits of the controversy, this arbitration by a call of a convention of all the states, which we sincerely and anxiously seek and desire, will be accorded to us."

From the diversity of terms indicated in these two important documents, taken in connection with the progress of recent events in that quarter, there is too much reason to apprehend, without in any manner doubting the intentions of those public functionaries, that neither the terms proposed in the address of the convention, nor those alluded to in the message of the governor, would appease the excitement which has led to the present excesses. It is obvious, however, that should the latter be insisted on, they present an alternative which the general government of itself can by no possibility grant, since, by an express provision of the constitution, Congress can call a convention for the purpose of proposing amendments only "on the application of the legislatures of two thirds of the states." And it is not perceived that the terms

presented in the address are more practicable than those referred to in the message.

It will not escape attention, that the conditions on which it is said, in the address of the convention, they "would be willing to acquiesce," form no part of the ordinance. While this ordinance bears all the solemnity of a fundamental law, is to be authoritative upon all within the limits of South Carolina, and is absolute and unconditional in its terms, the address conveys only the sentiments of the convention in no binding or practical form; one is the act of the state, the other only the expression of the opinions of the members of the convention. To limit the effect of that solemn act by any terms or conditions whatever, they should have been embodied in it, and made of import no less authoritative than the act itself. By the positive enactments of the ordinance, the execution of the laws of the Union is absolutely prohibited; and the address offers no other prospect of their being again restored, even in the modified form proposed, than what depends upon the improbable contingency, that amid changing events and increasing excitement, the sentiments of the present members of the convention, and of their successors, will remain the same.

It is to be regretted, however, that these conditions, even if they had been offered in the same binding form, are so undefined, depend upon so many contingencies, and are so directly opposed to the known opinions and interests of the great body of the American people, as to be almost hopeless of attainment. The majority of the states, and of the people, will certainly not consent that the protecting duties shall be wholly abrogated, never to be re-enacted at any future time, or in any possible contingency. As little practicable is it to provide that "the same rate of duty shall be imposed upon the protected articles that shall be imposed upon the unprotected;" which, moreover, would be severely oppressive to the poor, and, in time of war, would add greatly to its rigor. And though there can be no objection to the principle, properly understood, that no more revenue shall be raised than is necessary for the constitutional

purposes of the government, which principle has been already recommended by the executive as the true basis of taxation; yet it is very certain that South Carolina alone cannot be permitted to decide what these constitutional purposes are.

The period which constitutes the due time in which the terms proposed in the address are to be accepted, would seem to present scarcely less difficulty than the terms themselves. Though the revenue laws are already declared to be void in South Carolina, as well as the bonds taken under them, and the judicial proceedings for carrying them into effect, yet, as the full action and operation of the ordinance are to be suspended until the first of February, the interval may be assumed as the time within which it is expected that the most complicated portion of the national legislation, a system of long standing, and affecting great interests in the community, is to be rescinded and abolished. If this be required, it is clear that a compliance is impossible.

In the uncertainty, then, that exists as to the duration of the ordinance, and of the enactments for enforcing it, it becomes imperiously the duty of the executive of the United States, acting with a proper regard to all the great interests committed to his care, to treat those acts as absolute and unlimited. They are so, as far as his agency is concerned. He cannot either embrace or lead to the performance of the conditions. He has already discharged the only part in his power, by the recommendation in his annual message. The rest is with Congress and the people; and until they have acted, his duty will require him to look to the existing state of things, and act under them according to his high obligations.

By these various proceedings, therefore, the state of South Carolina has forced the general government, unavoidably, to decide the new and dangerous alternative of permitting a state to obstruct the execution of the laws within its limits, or seeing it attempt to execute a threat of withdrawing from the Union. That portion of the people at present exercising the authority of the state solemnly assert their right to do either, and as solemnly announce their determination to do one or the other.

In my opinion, both purposes are to be regarded as revolutionary in their character and tendency, and subversive of the supremacy of the laws and of the integrity of the Union. The result of each is the same; since a state in which, by an usurpation of power, the constitutional authority of the federal government is openly defied and set aside, wants only the form to be independent of the Union.

The right of the people of a single state to absolve themselves at will, and without the consent of the other states, from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, cannot be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the general government is constituted, and to the objects which it is expressly formed to attain.

Against all acts which may be alleged to transcend the constitutional power of the government, or which may be inconvenient or oppressive in their operation, the constitution itself has prescribed the modes of redress. It is the acknowledged attribute of free institutions that, under them, the empire of reason and law is substituted for the power of the sword. To no other source can appeals for supposed wrongs be made, consistently with the obligations of South Carolina; to no other can such appeals be made with safety at any time, and to their decisions, when constitutionally pronounced, it becomes the duty, no less of the public authorities than of the people, in every case to yield to a patriotic submission.

That a state, or any other great portion of the people, suffering under long and intolerable oppression, and having tried all constitutional remedies without the hope of redress, may have a natural right, when their happiness can be no otherwise secured, and when they can do so without greater injury to others, to absolve themselves from their obligations to the government, and appeal to the last resort, need not on the present occasion be denied.

The existence of this right, however, must depend upon the causes which may justify its exercise. It is the *ultima ratio*, which presupposes that the proper appeals

to all other means of redress have been made in good faith, and which can never be rightfully resorted to unless it be unavoidable. It is not the right of the state, but of the individual, and of all the individuals in the state. It is the right of mankind generally, to secure by all means in their power, the blessings of liberty and happiness: but when, for these purposes, any body of men have voluntarily associated themselves under a particular form of government, no portion of them can dissolve the association without acknowledging the correlative right in the remainder to decide whether that dissolution can be permitted consistently with the general happiness. In this view, it is a right dependent upon the power to enforce it. Such a right, though it may be admitted to pre-exist, and cannot be wholly surrendered, is necessarily subjected to limitations in all free governments, and in compacts of all kinds, freely and voluntarily entered into, and in which the interests and welfare of the individual become identified with those of the community of which he is a member. In compacts between individuals, however deeply they may affect their relations, these principles are acknowledged to create a sacred obligation; and in compacts of a civil government, involving the liberties and happiness of millions of mankind, the obligation cannot be less.

Without adverting to the particular theories to which the federal compact has given rise, both as to its formation and the parties to it, and without inquiring whether it be merely federal, or social, or national, it is sufficient that it must be admitted to be a compact, and to possess the obligations incident to a compact; to be "a compact by which power is created on the one hand, and obedience exacted on the other; a compact freely, voluntarily, and solemnly entered into by the several states, and ratified by the people thereof, respectively; a compact by which the several states, and the people thereof, respectively, have bound themselves to each other, and to the federal government, and by which the federal government is bound to the several states, and to every citizen of the United States." To this compact, in whatever mode it may have been done, the people of South Carolina have

freely and voluntarily given their assent; and to the whole and every part of it, they are, upon every principle of good faith, inviolably bound. Under this obligation they are bound, and should be required, to contribute their portion of the public expense, and to submit to all laws made by the common consent, in the pursuance of the constitution, for the common defence and general welfare, until they can be changed in the mode which the compact has provided for the attainment of those great ends of the government and of the Union. Nothing less than cases which would justify revolutionary remedy, can absolve the people from this obligation; and for nothing less can the government permit it to be done without violating its own obligations, by which, under the compact, it is bound to the other states, and to every citizen of the United States.

These deductions plainly flow from the nature of the federal compact, which is one of limitations, not only upon the powers originally possessed by the parties thereto, but also upon those conferred on the government, and every department thereof. It will be freely conceded that, by the principles of our system, all power is vested in the people; but to be exercised in the mode, and subject to the checks, which the people themselves have prescribed. These checks are, undoubtedly, only different modifications of the same great popular principle which lies at the foundation of the whole, but are not, on that account, to be less regarded or less obligatory.

Upon the power of Congress, the veto of the executive, and the authority of the judiciary, which is to extend to all cases in law and equity arising under the constitution and laws of the United States made in pursuance thereof, are the obvious checks; and the sound action of public opinion, with the ultimate power of amendment, are the salutary and only limitation upon the powers of the whole.

However it may be alleged that a violation of the compact, by the measures of the government, can affect the obligations of the parties, it cannot even be pretended that such violation can be predicated of those measures until all the constitutional remedies shall have been fully

tried. If the federal government exercise powers not warranted by the constitution, and immediately affecting individuals, it will scarcely be denied that the proper remedy is a recourse to the judiciary. Such, undoubtedly, is the remedy for those who deem the acts of Congress laying duties and imposts and providing for their collection, to be unconstitutional. The whole operation of such laws is upon the individuals importing the merchandise. A state is absolutely prohibited from laying imposts or duties on imports or exports, without the consent of Congress, and cannot become a party, under these laws, without importing in her own name, or wrongfully interposing her authority against them. By thus interposing, however, she cannot rightfully obstruct the operation of the laws upon individuals. For their disobedience to, or violation of, the laws, the ordinary remedies through the judicial tribunals would remain. And in a case where an individual should be prosecuted for any offence against the laws, he could not set up, in justification of his act, a law of the state, which, being unconstitutional, would therefore be regarded as null and void. The law of a state cannot authorize the commission of a crime against the United States, or any other act which, according to the supreme law of the Union, would be otherwise unlawful. And it is equally clear that, if there be any case in which a state, as such, is affected by the law beyond the scope of judicial power, the remedy consists in appeals to the people, either to effect a change in the representation, or to procure relief by an amendment of the constitution. But the measures of the government are to be recognized as valid, and, consequently, supreme, until these remedies shall have been effectually tried; and any attempt to subvert those measures, or to render the laws subordinate to state authority, and afterwards to resort to constitutional redress, is worse than evasive. It would not be a proper resistance to "*a government of unlimited powers*," as has been sometimes pretended, but unlawful opposition to the very limitations on which the harmonious action of the government, and all its parts, absolutely depends. South Carolina has appealed to none of these remedies, but, in effect, has de-

fied them all. While threatening to separate from the Union if any attempt be made to enforce the revenue laws otherwise than through the civil tribunals of the country, she has not only not appealed in her own name to those tribunals which the constitution has provided for all cases in law and equity arising under the constitution and laws of the United States, but has endeavored to frustrate their proper action on her citizens, by drawing the cognizance of the cases under the revenue laws to her own tribunals, specially prepared and fitted for the purpose of enforcing the acts passed by the state to obstruct those laws, and both the judges and jurors of which will be bound, by the import of oaths previously taken, to treat the constitution and laws of the United States in this respect as a nullity. Nor has the state made the proper appeal to public opinion, and to the remedy of amendment. For, without waiting to learn whether the other states will consent to a convention, or, if they do, will construe or amend the constitution to suit her views, she has, of her own authority, altered the import of that instrument, and given immediate effect to the change. In fine, she has set her own will and authority above the laws, has made herself arbiter in her own cause, and has passed at once over all intermediate steps to measures of avowed resistance, which, unless they be submitted to, can be enforced only by the sword.

In deciding upon the course which a high sense of duty to all the people of the United States imposes upon the authorities of the Union in this emergency, it cannot be overlooked that there is no sufficient cause for the acts of South Carolina, or for her thus placing in jeopardy the happiness of so many millions of people. Misrule and oppression, to warrant the disruption of the free institutions of the union of these states, should be great and lasting, defying all other remedy. For causes of minor character, the government could not submit to such a catastrophe, without a violation of its most sacred obligations to the other states of the Union, who have submitted their destiny to its hands.

There is in the present instance no such cause, either in the degree of misrule or oppression complained of, or

in the hopelessness of redress by constitutional means. The long sanction they have received from the proper authorities and from the people, not less than the unexampled growth and increasing prosperity of so many millions of freemen, attest that no such oppression as would justify or even palliate such a resort, can be justly imputed either to the present policy or past measures of the federal government.

The same mode of collecting duties, and for the same general objects, which began with the foundation of the government, and which has conducted the country through its subsequent steps to its present enviable condition of happiness and renown, has not been changed. Taxation and representation, the great principle of the American revolution, have continually gone hand in hand; and at all times, and in every instance, no tax of any kind has been imposed without their participation; and, in some instances, which have been complained of, with the express assent of a part of the representatives of South Carolina in the councils of the government. Up to the present period, no revenue has been raised beyond the necessary wants of the country, and the authorized expenditures of the government. As soon as the burden of the public debt is removed, those charged with the administration have promptly recommended a corresponding reduction of revenue.

That this system thus pursued has resulted in no such oppression upon South Carolina, needs no other proof than the solemn and official declaration of the late chief magistrate of that state in his address to the legislature. In that he says, that "the occurrences of the past year, in connection with our domestic concerns, are to be reviewed with a sentiment of fervent gratitude to the Great Disposer of human events; that tributes of grateful acknowledgment are due for the various and multiplied blessings he has been pleased to bestow on our people; that abundant harvests in every quarter of the state have crowned the exertions of agricultural labor; that health almost beyond former precedent, has blessed our homes; and that there is not less reason for thankfulness in surveying our social condition." It would,

indeed, be difficult to imagine oppression where, in the social conditions of a people, there was equal cause of thankfulness, as for abundant harvests, and varied and multiplied blessings with which a kind Providence had favored them.

Independently of these considerations, it will not escape observation, that South Carolina still claims to be a component part of the Union, to participate in the national councils, and to share in the public benefits, without contributing to the public burdens; thus asserting the dangerous anomaly of continuing in an association without acknowledging any other obligation to its laws than what depends upon her own will.

In this posture of affairs, the duty of the government seems to be plain. It inculcates a recognition of that state as a member of the Union, and subject to its authority; a vindication of the just power of the constitution; the preservation of the integrity of the Union, and the execution of the laws by all constitutional means.

The constitution, which his oath of office obliges him to support, declares that the executive "*shall take care that the laws be faithfully executed:*" and, in providing that he shall, from time to time, give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient, imposes the additional obligation of recommending to Congress such more efficient provisions for executing the laws, as may from time to time be found requisite.

The same instrument confers to Congress the power not merely to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare, but "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers, and all other powers vested by the constitution in the government of the United States, or in any department or officer thereof;" and also, to provide for calling forth the militia for executing the laws of the Union. In all cases similar to the present, the duties of the government become the measure of its powers; and whenever it fails to exercise a power neces-

sary and proper to the discharge of the duties prescribed by the constitution, it violates the public trusts not less than it would in transcending its proper limits. To refrain, therefore, from the high and solemn duties thus enjoined, however painful the performance may be, and thereby tacitly permit the rightful authority of the government to be contemned, and its laws obstructed by a single state, would neither comport with its own safety, nor the rights of the great body of the American people.

It being thus shown to be the duty of the executive to execute the laws by all constitutional means, it remains to consider the extent of those already at his disposal, and what it may be proper further to provide.

In the instructions of the secretary of the treasury to the collectors in South Carolina, the provisions and regulations made by the act of 1799, and also the fines, penalties, and forfeitures, for their enforcement, are particularly detailed and explained. It may be well apprehended, however, that these provisions may prove inadequate to meet such an open, powerful, organized opposition, as is to be commenced after the first day of February next.

Subsequently to the date of these instructions and to the passage of the ordinance, information has been received, from sources entitled to be relied on, that owing to the popular excitement in the state, and the effect of the ordinance declaring the execution of the revenue laws unlawful, a sufficient number of persons, in whom confidence might be placed, could not be induced to accept the office of inspector, to oppose, with any probability of success, the force which will, no doubt, be used when an attempt is made to remove vessels and their cargoes from the custody of the officers of the customs; and, indeed, that it would be impracticable for the collector, with the aid of any number of inspectors whom he may be authorized to employ, to preserve the custody against such an attempt.

The removal of the custom-house from Charleston to Castle Pinckney was deemed a measure of necessary precaution; and though the authority to give that direction was not questioned, it is nevertheless apparent that a similar precaution cannot be observed in regard to the ports

of Georgetown and Beaufort, each of which, under the present laws, remains a port of entry, and exposed to the obstructions meditated in that quarter.

In considering the best means of avoiding or preventing the apprehended obstruction to the collection of the revenue, and the consequences which may ensue, it would appear to be proper and necessary to enable the officers of the customs to preserve the custody of vessels and their cargoes, which, by the existing laws, they are required to take, until the duties to which they are liable shall be paid or secured. The mode by which it is contemplated to deprive them of that custody, is the process of replevin, and that of *capias in withernam*, in the nature of a distress from the state tribunals organized by the ordinance.

Against the proceeding in the nature of a distress, it is not perceived that the collector can interpose any resistance whatever; and against the process of replevin authorized by the law of the state, he, having no common law power, can only oppose such inspectors as he is by statute authorized, and may find it practicable to employ; and these, from the information already adverted to, are shown to be wholly inadequate.

The respect which that process deserves, must therefore be considered.

If the authorities of South Carolina had not obstructed the legitimate action of the courts of the United States, or if they had permitted the state tribunals to administer the law according to their oath under the constitution and the regulations of the laws of the Union, the general government might have been content to look to them for maintaining the custody, and to encounter the other inconveniences arising out of the recent proceedings. Even in that case, however, the process of replevin from the courts of the state would be irregular and unauthorized. It has been decided by the Supreme Court of the United States, that the courts of the United States have exclusive jurisdiction of all seizures made on land or water for a breach of the laws of the United States, and any intervention of a state authority, which, by taking the thing seized out of the hands of the United States' offi-

cers, might obstruct the exercise of this jurisdiction, is unlawful: that, in such case, the court of the United States having cognizance of the seizure, may enforce a redelivery of the thing by attachment, or other summary process; that the question under such a seizure, whether a forfeiture has been actually incurred, belongs exclusively to the courts of the United States, and it depends on the final decree, whether the seizure is to be deemed rightful or tortuous; and that not until the seizure be finally judged wrongful, and without probable cause by the courts of the United States, can the party proceed at common law for damages in the state courts.

But by making it "unlawful for any of the constituted authorities, whether of the United States, or of the state, to enforce the laws for the payment of duties, declaring that all judicial proceedings which shall be hereafter had in affirmance of the contracts made with purpose to secure the duties imposed by the said acts, are, and shall be held utterly null and void," she has in effect abrogated the judicial tribunals within her limits in this respect; has virtually denied the United States access to the courts established by their own laws; and declared it unlawful for the judges to discharge those duties which they are sworn to perform. In lieu of these, she has substituted those state tribunals already adverted to, the judges whereof are not merely forbidden to allow an appeal or permit a copy of their record, but are previously sworn to disregard the laws of the Union, and enforce those only of South Carolina; and, thus deprived of the function essential to the judicial character, of inquiring into the validity of the law and the right of the matter, become merely ministerial instruments in aid of the concerted obstruction of the laws of the Union.

Neither the process nor authority of these tribunals, thus constituted, can be respected, consistently with the supremacy of the laws or the rights and security of the citizen. If they be submitted to, the protection due from the government to its officers and citizens is withheld, and there is at once an end, not only to the laws, but to the Union itself.

Against such a force as the sheriff may, and which, by

the replevin law of South Carolina, it is his duty to exercise, it cannot be expected that a collector can retain his custody with the aid of the inspectors. In such case, it is true, it would be competent to institute suits in the United States courts against those engaged in the unlawful proceeding; or the property might be seized for a violation of the revenue laws, and, being libelled in the proper courts, an order might be made for its redelivery, which would be committed to the marshal for execution. But, in that case, the fourth section of the act, in broad and unqualified terms, makes it the duty of the sheriff "to prevent such recapture or seizure, or to redeliver the goods, as the case may be," "even under any process, order, or decree, or other pretext, contrary to the true intent and meaning of the ordinance aforesaid." It is thus made the duty of the sheriff to oppose the process of the courts of the United States, and for that purpose, if need be, to employ the whole power of the country. And the act expressly reserves to him all power which, independently of its provisions, he could have used. In this reservation it obviously contemplates a resort to other means than those particularly mentioned.

It is not to be disguised that the power which it is thus enjoined upon the sheriff to employ, is nothing less than the *posse comitatus*, in all the rigor of the ancient common law. This power, though it may be used against unlawful resistance to judicial process, is in its character forcible, and analogous to that conferred upon the marshals by the act of 1795. It is in fact the embodying of the whole mass of the population, under the command of a single individual, to accomplish by their forcible aid what could not be effected peaceably and by the ordinary means. It may properly be said to be a relic of those ages in which the laws could be defended rather by physical than moral force, and in its origin was conferred upon the sheriffs of England, to enable them to defend their country against any of the king's enemies when they came into the land, as well as for the purpose of executing process. In early and less civilized times, it was intended to include "the aid and attendance of all knights and others who were bound to have harness."

It includes the right of going with arms and military equipments, and embraces larger classes and greater masses of population than can be compelled by the laws of most of the states to perform militia duty. If the principles of the common law are recognized in South Carolina, (and from this act it would seem they are,) the power of summoning the *posse comitatus* will compel, under the penalty of fine and imprisonment, every man over the age of fifteen, and able to travel, to turn out at the call of the sheriff, and with such weapons as may be necessary; and it may justify beating, and even killing such as may resist. The use of the *posse comitatus* is, therefore, a direct application of force, and cannot be otherwise regarded than as the employment of the whole militia force of the country, and in equally efficient form, under a different name. No proceeding which resorts to this power to the extent contemplated by the act, can be properly denominated peaceable.

The act of South Carolina, however, does not rely altogether upon this forcible remedy. For even attempting to resist or disobey, though by the aid only of the ordinary officers of the customs, the process of replevin, the collector and all concerned, are subject to a further proceeding in the nature of a distress of their personal effects; and are, moreover, made guilty of a misdemeanor, and liable to be punished by a fine of not less than one thousand, nor more than five thousand dollars, and to imprisonment not exceeding two years, and not less than six months; and for even attempting to execute the order of the court for retaking the property, the marshal and all assisting, would be guilty of a misdemeanor, and liable to a fine of not less than three thousand dollars, nor more than ten thousand, and to imprisonment not exceeding two years, nor less than one, and in case the goods should be retaken under such process, it is made the absolute duty of the sheriff to retake them.

It is not to be supposed that in the face of these penalties, aided by the powerful force of the country, which would doubtless be brought to sustain the state officers, either that the collector would retain the custody in the first instance, or that the marshal could summon

sufficient aid to retake the property pursuant to the order or other process of the court.

It is, moreover, obvious that in this conflict between the powers of the officers of the United States, and of the state, (unless the latter be passively submitted to,) the destruction to which the property of the officers of the customs would be exposed, the commission of actual violence, and the loss of lives, would be scarcely avoidable.

Under these circumstances, and the provision of the acts of South Carolina, the execution of the laws is rendered impracticable even through the ordinary judicial tribunals of the United States. There would certainly be fewer difficulties, and less opportunity of actual collision between the officers of the United States, and of the state, and the collection of the revenue would be more effectually secured—if indeed it can be done in any other way—by placing the custom-house beyond the immediate power of the country.

For this purpose, it might be proper to provide that whenever, by any unlawful combination or obstruction in any state, or in any port, it should become impracticable faithfully to collect the duties, the President of the United States should be authorized to alter and abolish such of the districts and ports of entry as should be necessary, and to establish the custom-house at some secure place within some port or harbor of such state; and in such cases it should be the duty of the collector to reside at such place, and to detain all vessels and cargoes until the duties imposed by law should be properly secured or paid in cash, deducting interest; that, in such cases, it should be unlawful to take the vessel and cargo from the custody of the proper officer of the customs, unless by process from the ordinary judicial tribunals of the United States; and that in case of an attempt otherwise to take the property by a force too great to be overcome by the officers of the customs, it should be lawful to protect the possession of the officers by the employment of the land and naval forces and militia, under provisions similar to those authorized by the 11th section of the act of the 9th January, 1809.

This provision, however, would not shield the officers and citizens of the United States, acting under the laws, from suits and prosecutions in the tribunals of the state, which might thereafter be brought against them; nor would it protect their property from the proceeding by distress; and it may well be apprehended that it would be insufficient to insure a proper respect to the process of the constitutional tribunals, in prosecutions for offences against the United States, and to protect the authorities of the United States, whether judicial or ministerial, in the performance of their duties. It would, moreover, be inadequate to extend the protection due from the government to that portion of the people of South Carolina, against outrage and oppression of any kind, who may manifest their attachment, and yield obedience to the laws of the Union.

It may, therefore, be desirable to revive, with some modifications better adapted to the occasion, the sixth section of the act of the 3d of March, 1815, which expired on the 4th of March, 1817, by the limitation of that of 27th of April, 1816, and to provide that in any case where suit shall be brought against any individual in the courts of the state, for any act done under the laws of the United States, he should be authorized to remove the said cause, by petition into the circuit court of the United States, without any copy of the record, and that the court should proceed to hear and determine the same as if it had been originally instituted therein. And that in all cases of injuries to the persons or property of individuals for disobedience to the ordinance and laws of South Carolina, in pursuance thereof, redress may be sought in the courts of the United States. It may be expedient, also, by modifying the resolution of the 3d of March, 1791, to authorize the marshals to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States.

Provisions less than these, consisting, as they do, for the most part, rather of a revival of the policy of former acts called for by the existing emergency, than of the introduction of any unusual or rigorous enactments, would not cause the laws of the Union to be properly respect-

ed or enforced. It is believed these would prove adequate, unless the military forces of the state of South Carolina, authorized by the late act of the legislature, should be actually embodied and called out in aid of their proceedings, and of the provisions of the ordinance generally. Even in that case, however, it is believed that no more will be necessary than a few modifications of its terms, to adapt the act of 1795 to the present emergency, as by that act the provisions of the law of 1792 were accommodated to the crisis then existing; and by conferring authority upon the President to give it operation during the session of Congress, and without the ceremony of a proclamation, whenever it shall be officially made known to him by the authority of any state, or by the courts of the United States, that, within the limits of such state, the laws of the United States will be openly opposed, and their execution obstructed by the actual employment of a military force, or by any unlawful means whatsoever, too great to be otherwise overcome.

In closing this communication, I should do injustice to my own feelings not to express my confident reliance upon the disposition of each department of the government to perform its duty, and to co-operate in all measures necessary in the present emergency.

The crisis undoubtedly invokes the fidelity of the patriot and the sagacity of the statesman, not more in removing such portion of the public burden as may be necessary, than in preserving the good order of society, and in the maintenance of well-regulated liberty.

While a forbearing spirit may, and I trust, will be exercised towards the errors of our brethren in a particular quarter, duty to the rest of the Union demands that open and organized resistance to the laws should not be executed with impunity.

The rich inheritance bequeathed to our fathers has devolved upon us the sacred obligation of preserving it by the same virtues which conducted them through the eventful scenes of the revolution, and ultimately crowned their struggle with the noblest model of civil institutions. They bequeathed to us a government of laws, and a federal union founded upon the great principle of popular

representation. After a successful experiment of forty-four years, at a moment when the government and the union are the objects of the hopes of the friends of civil liberty throughout the world, and in the midst of public and individual prosperity unexampled in history, we are called to decide whether these laws possess any force, and that union the means of self-preservation. The decision of this question by an enlightened and patriotic people cannot be doubtful. For myself, fellow-citizens, devoutly relying upon that kind Providence which has hitherto watched over our destinies, and actuated by a profound reverence for those institutions I have so much cause to love, and for the American people, whose partiality honored me with their highest trust, I have determined to spare no effort to discharge the duty which, in this conjuncture, is devolved upon me. That a similar spirit will actuate the representatives of the American people is not to be questioned; and I fervently pray that the great Ruler of nations may so guide your deliberations and our joint measures, as that they may prove salutary examples, not only to the present but to future times; and solemnly proclaim that the constitution and the laws are supreme, and the *union indissoluble.*

ADDRESS

TO THE

YOUNG MEN AND TO THE PEOPLE

OF AMERICA

Democracy is the institution of government by the many, for the common good. Its energy is derived from the will of the people; its object is the welfare of the people; its strength is in the affections of the people. It is the most powerful element of modern civilization; it is the greatest discovery ever made in political science.

I call it a discovery; and designedly. It was a discovery, and not a creation. Bad laws may be the mere conceptions of the human mind; good laws never can be; for good laws depend upon existing relations, which the wise lawgiver observes, and embodies in his code. Our fathers proclaimed the principles of democracy, but did not create them. They were coeval with the first conception of order in the divine mind, and are as pervading and as extensive as moral existence. Like Christianity, and like all moral principles, they are eternal in their truth and in their obligation.

The whig doctrine is not peculiar to late years, or even to late centuries; the passions in human nature on which parties are founded, were always the same; and the whig doctrine, under much the same form as at present, has been reproduced, wherever privileged wealth has struggled for dominion. It has been, in all ages, the strong-

hold of those who desire to erect barriers against the people, to resist the progress of enfranchisement, and to subject the voice, and the conscience, and the rights of the many, to the interests, and privileges, and ambition of the few.

The principles of democracy were brought to our shores by the breezes that wafted the Mayflower across the Atlantic. The pilgrims did not come for wealth, but for liberty; they describe themselves as alike "removed from gentry and from beggary." "In our native land," say they, "we were accustomed to no more than a plain country life, and the innocent trade of husbandry." "We hold ourselves," they continue, "strongly tied to all care of each other's good, and of the whole." And when, amidst the storms of winter, the precious bark anchored within the waters of Massachusetts, all the emigrants assembled in convention to institute a government for themselves; to frame "just and equal laws for the general good." Then it was that the precedents of American democracy began. In the cabin of the Mayflower, humanity raised its banner, inscribing on its folds, "EQUAL LAWS FOR THE GENERAL GOOD."

Were I to proceed and recount all the incidents which illustrate the democratic spirit of early New England, it would fill a volume. She was not founded for the service of Mammon; she was not cradled in the devices of whiggism; but, in the true spirit of democracy, New England was settled by way of towns; each separate village was a real and perfect democracy within itself; each town-meeting was a convention of its people; all the inhabitants, the affluent and the needy, the wise and the foolish, were equal members of the little legislature. Truth won its victories in a fair field, where pride, not

less than benevolence, might join in the debate; where selfishness could secure no special favors; where justice and learning claimed no privilege. Our town meetings were the schools in which our lawgivers were educated; and these bear in perfection the impress of democracy.

The same remark applies to the village church. True religion can never become the ally of avarice. Christianity burst the shackles of superstition, broke the seals that rested on the destinies of man, and shed the pleasant light that shall enfranchise the world. I know that foul calumny has loudly asserted, and still secretly whispers, that democracy favors infidelity. The charge implies ignorance not less than corrupt malevolence. The masses of mankind NEVER favored infidelity. Irreligion is not a trait of humanity. Infidelity is the offspring of aristocracy; it flourishes most where pride and abundance curb the passions least. You cannot find, throughout the globe, one single nation, civilized or savage, not a scattered tribe, not an insulated horde, where there is not among the masses, faith in God, in the soul, and in the duty of self-denial. The United States, eminently the land of democracy, is the most religious country on earth. The people of every nation adore a superior intelligence, bury their dead, and possess the institution of marriage. The people of the United States, where civil and religious liberty are most fully developed, is the most religious people on earth. The enfranchising principle is a purifying principle. The odious doctrines of materialism were generated in the abodes of despotism; democracy, following the counsels of religion, exults in "the reality of spiritual light."

That spiritual light may dawn upon every mind. It shines in upon the cottage as freely as on prouder

mansions. The universal diffusion of the powers of mind and heart proves the capacity of the human race for advancement. And hence it is, that democracy, by the instinct of self-preservation, cherishes that other New England institution, the system of common schools; the happiest institution of the reformation. The system of free schools, in every land that it can reach, will break up religious bigotry, will eradicate superstition, will undermine aristocracy, and lead inevitably to the freedom and power of the people. Nor let us suppose that every thing has yet been done for common schools in New England. Democracy is pledged to new efforts for the diffusion of truth and the increase of the relative number of active and inquiring minds. Here, as every where, the rule is, union and progress; to count as nothing what has been gained, but to press forward towards further improvement in the intellectual and moral condition of the people. Mind is universal; and its universal culture is the best protection of the natural equality of the race, and the surest means of its constant advancement. The analysis of truth is a slow process; the perception of truth that has once been analyzed, is immediate and easy. Whole generations of inquirers sometimes pass away, having made but few advances in science; while their successors safely and rapidly move over the ground once explored. The village lad who reads the blessed truths of Christianity in the plain simplicity of the gospel narrative, knows more of God, and Providence, and duty, than the wisest sage of the ancient world; the farmer's boy, by honest application of his mind to study, may in two years pass far beyond the bounds which limited the genius of Newton; the common sailor, with his quadrant, easily masters principles, which acute and

powerful minds in the course of a century had slowly evolved; and the little girl on the lower forms of the common school, in a few weeks learns more of geography than all that was known to Columbus, when he started for the discovery of a world. The analysis of the principles of government is likewise a result of experience and observation; and as the experience of America on the forms and effects of self-government exceeds that of all the rest of the world, it is hazarding but little to say, that as our system of common schools shall be improved, every American youth may easily become imbued with sound principles of public right, a knowledge of the nature, the tendencies, and the duties of democracy, far beyond all that has become but faintly known to the wisest of European statesmen.

Our fathers were exiles for conscience' sake; they came to the wilderness for freedom of religion; they were of the reformed religion; men who dissented from the forms of dissent; men who were forced to push the principles of natural liberty to their remote conclusions, in order to defend their separation from European creeds. They were all members of plebeian sects, adherents to creeds that sprung up among the people. It was in the midst of penury and want, in sight of the wretchedness of the enslaved peasantry and the crimes of a corrupt priesthood, that the still small voice for freedom of conscience and emancipation of labor was first raised by the Baptists. The reformers whom our fathers followed, sprang from the people and dwelt with the people; they were PLEBEIANS ALL; they wore no crown but the crown of thorns; they gathered no treasures but such as cannot be taken away; they had no grandeur but the grandeur of making themselves the benefactors of humanity.

Or will you look to those later reformers, who in a nearer century themselves visited our shores? Will you follow the steps of the meek and patient Wesley; will you see him now waking the echoes of Christianity in the depths of the forests, and now cherishing the aspirations of innocence in our cities? seeking out the bruised spirit, that he might heal its wounds, and making his way to every abode that misfortune or sorrow had entered before him; comforting the oppressed, and remembering the neglected? I ask you, if from such a root aristocracy can rise? I demand, if from that well-spring of truth you draw the doctrine that wealth may be deified? No, my friends! the infancy of these New England states was cradled in the simplicity of love, and watched by the angels of heaven; the brightest lights of all time, the most gifted minds among the guides of humanity, went as a cloud of glory before their steps; and from the earliest dawn, the gospel of liberty, like the gospel of all truth, shed its hallowed beams over the rising settlements, whispering its words of freedom and of peace. Thus the motives which led our fathers to plant the rock-bound coasts of New England were all in harmony with democracy.

And why should we not stand in the ancient paths? What motive have we for not rallying to the standard of popular liberty? Why should not we feed the sacred flame, and transmit it in new brilliancy to the next generation?

In New Hampshire the first settlements were established according to the precedent of Plymouth; and the towns of Portsmouth and Dover and Exeter were established, according to the principles of natural right, as so many little republics in the wilderness. And here I can-

not but observe, what I shall have occasion to repeat, how democracy derives its strength from the influence of religion. Our fathers always came attended by their religious teachers; they were led into the wilderness by Aaron as well as by Moses; and in those days, when England attempted to intimidate the infant settlements of New England, she always directed her menaces against the clergy. And do you think the ministers of God gave way? Do you think they fled before the panic that an English monarch could conjure up? No! Of the clergy of the first century in New England there was not a tory among them all. They were not reeds shaken with the wind. They were the first to set their foot in the waters, and there to stand till danger was past. When Rev. Mr. John Higginson was summoned before Andros to say by what right our people held their franchises, the brave man made answer, "By the grand charter of God." When the Rev. John Wise, the Hampden of America, was taken into custody that he might be tormented into paying an illegal tax, he went to jail, where he would have died, sooner than have set the example of dereliction, for he used to say, "Democracy is Christ's government in state and church." This was, in an eminent degree, the spirit which pervaded New Hampshire. When King Charles II. imposed upon that colony a royal governor, he attempted to levy illegal taxes; but not a single citizen would pay them. At Hampton, the sheriff, one hundred and fifty years ago, was put on horseback and escorted out of town; in Exeter, the farmers' wives heated brimming kettles of water to scald the reprobate deputy who should dare to attempt collection; and when the governor in despair ordered out the militia, the militia were the people, and refused obedience. In

the parish church of Portsmouth there was but one royalist; him the Rev. Mr. Moody subjected to censure from the church; and, when the governor expostulated, Mr. Moody wrote a sermon against the governor himself. "The people of New Hampshire," said Gov. Cranfield, the governor of that day, and a most excellent whig he afterwards proved himself to be, "are factious and malignant; unless these factious preachers are turned out of the province, it will be impossible to enforce his majesty's commands.—I shall esteem it the greatest happiness in the world to be allowed to remove from these unreasonable people." The governor returned to England; the clergy continued to preach; the people remained factiously fond of liberty; and, from that day to this, it has been pretty well understood, that in the heart of a New Hampshire man, whether at home or abroad, the love for democratic liberty is planted as firmly as the everlasting granite in the mountains of the GRANITE STATE.

From the hills of New Hampshire turn now your eyes to the shores of the Narragansett, where the rival of Descartes invoked the blessings of PROVIDENCE on the spot where the lovers of "SOUL-LIBERTY" planted their abode. The government which Roger Williams established, was a government of the people; his spirit harbored a lofty confidence in his fellow-men. The will of the majority controlled the rising colony "in civil things;" of the conscience there was no inquisitor but God. "To exercise power over conscience," said they, "we do hold to be a point of absolute cruelty." So intense was the spirit of democracy among the little band, the rumor went abroad, that "they would have no magistrates." But then say their records, "Our POPULARITIE shall not, as some conjecture it will, prove an anarchie,

and so a common tyrannie; for we are exceedingly desirous," such is ever the rule among the friends of democracy, "to preserve every man safe in his person, name, and estate."

Or will you turn to another scene in the early days of New England? Behold the handful of emigrants escaping from Boston to Rhode Island; Miantonomoh, the chief of the Narragansetts, welcomes them to his territory; and affection for Roger Williams induces the savage hero to bestow on the exiles the beautiful island of Rhode Island. And there the little band of herdsmen and shepherds assemble to the sound of a drum, on the sea side; the roar of the waves within their hearing, and no canopy but the canopy of heaven over their heads. And what government do you think these exiles framed? What but a government of themselves? "We do unanimously agree," such are the words of their records, "that the government which this body politic doth attend unto is a DEMOCRACIE, or popular government; that is to say, it is in the power of the body of freemen, orderly assembled, or major part of them, to make or constitute just laws, by which they will be regulated; and to depute from among themselves such ministers as shall see them faithfully executed between man and man." Such was the beautiful institution of government in Rhode Island; the little community, as democrats always ought to do, loved one another; and the signet for the state was a sheaf of arrows, with the inscription, "Love shall conquer all things."

The early settlements on Connecticut River were equally established in the forms and in the spirit of democracy. The people of Connecticut,—and the rule did not vary essentially in the upper towns,—instituted their

own government; and every inhabitant was invested with the elective franchise. The first day on which the "pleasant banks" of that river were colonized, was the first day of unmixed popular freedom for the rising commonwealth; and Jefferson, observing in its forms of government the principles he loved, used always to say of Connecticut that her original institutions were democratic. Every officer in the land was elected directly or indirectly by the people. Legislation was mild and humane. The whole annual expense of the government did not exceed the salary of a royal governor. The judges, like other laborers, were paid for their services by the day. The busy hum of the wheel told the tale of domestic industry; and the flax from the fields, and the wool from the folds, were woven at home. In the world of fashion no one had precedence of the farmer's wife and the farmer's daughters; the costliest equipage was a pillion; and the home-spun gown, woven from flax, and colored with copperas and otter, and the snow-white flaxen apron, were the richest luxuries of dress, carefully reserved for the decorum of the Sabbath. The husbandman who tilled his own soil, and fatted his own beeves, was the great man of the land. There were no vast inequalities of condition; the lands were divided according to rules that seemed equitable; and a larger house or a fuller barn was the chief distinction of rural wealth. Every man labored, and industry and frugality produced abundance. And what room was there to fear want? The trees of the forest dropped juices, from which sugar was refined; the river was alive with shad and salmon; the roe-buck and the fallow deer yielded venison, equal to that which won the blessing of the patriarch. It was the golden age of New England; when the country was, as it were, ena-

meled with virtues, and pure affections bloomed through the villages like flowers in the fields. It was the age of equality; humanity was the Genius of the land; and every family, happy in its simple enjoyments, as the labor of the day began and as it ended, looked upward to God as the author of all good. The whole earth could not exhibit a community comparable to it for public happiness.

Nor let it be deemed surprising that the husbandmen on the Connecticut made such rapid advances in political science. No adverse interest disinclined them to the welfare of the people. They consulted the oracle within their breasts; and the invisible Egeria whose inspirations they followed, was the still, small voice of conscience. They "FELT the beauty and loveliness" of moral truth applied to politics, of a legislation resting on general principles. Conscience is the light within every man, to be reverenced. It sheds its guiding beams on every mind; it makes itself heard in terror to the guilty; it whispers consolation to the gentle and the benevolent. It is like the magnet, which is the same in every ship, under whatever flag it may sail; and points truly to the North in the pirate not less than in the merchantman. Conscience is the cynosure of truth, the oracle of duty. Away with the false and heartless maxim, that truth dwells in dark places; that she lies hid in the bottom of a well; that she can be reached only by the vigor of the most powerful intellect. Error delights in darkness and confusion, and it requires all the energy of giant minds to sustain the delusions on which a selfish aristocracy rest their pretensions; but truth is a social spirit; her home is in the heart of the people, in the breast of the race; she rests her head serenely on the bosom of humanity. Error demands the efforts of genius to conceal her behind sophisms, to pro-

tect her by false terrors, to invoke superstition for her defence; but truth dwells in every cottage, communes with the unlearned as well as the learned, goes forth with the shepherd upon the mountain side, and joins the family group that welcomes the return of the laborer. She gambols with childhood; she makes her home with all that love candor and peace; she blesses every one who will hush the turbulence of selfish passions and listen to her tranquil revelations. In the same degree in which every man can love his child or his wife, in the same degree he can feel the inspiring influence of moral truth. The germ lies in the commonest mind. There is not one generous affection, nor one moral principle, which does not exist in every man's heart. All that the most cultivated understanding can know of God, and nature, and duty, lies in the mind of each individual. Yes, in the mind of the least educated of our race. Only in the cultivated mind it is unfolded; in the common mind it lies like the leaf of the fern in late winter, perfectly formed, yet still concealed in the folds, which warm suns are to develop. No one dares to doubt this, in the case of natural affection; it is not education that teaches the mother to love her child. No one doubts this in religious feeling. The sincere prayer of the humblest worshipper wings its way upward as directly as if the incense rose from the Vatican itself. The principle applies equally to political truth: there is an instinct of liberty; a natural perception of the loveliness and beauty of freedom; and our fathers listened to it, and took counsel of it. Its inspiration made the wilderness glad; its revelations shed light that well might startle the wisest statesmen and philosophers of the old world. I speak no new doctrine. I do but repeat what was known to our fathers. The gift

of feeling moral truth, of which political science is a branch, was rightly declared by our fathers "to be from God. Nothing the creature receives is so much a participation of the Deity: it is a kind of emanation of God's beauty, and is related to God as light is to the sun. It is not a thing that belongs to reason; it depends on the SENSE OF THE HEART."

Lay your hand on your heart. It throbs. The farmer behind the plough feels it beat in harmony with the creation through which he moves. Just so the power to discern good from evil, right from wrong, is implanted within every one. It is the gift of God to every man. God has disfranchised no one; he has cut off not one from the inheritance of reason. Wherever there is moral existence, wherever there is a human being, there also is found the gift of mind. There, within the depths of conscience, Virtue has erected her tribunal; there an arbiter is established to decree what, in the face of humanity and of the Infinite Mind, shall be acknowledged as justice.

Democracy is, therefore, the power of justice, as cherished in the hearts of the people, as interpreted and enforced by the public mind.

I know it will be said, that the power of the people will not, of necessity, be the government of justice, and that the result of the recent Presidential election may be cited as proof of the assertion. We admit that a majority of the people have sometimes been found arrayed in opposition to truth and justice—that fraud, falsehood, and other base practices have been, and probably will again, be successful in temporarily misleading the public mind; of which no better example could perhaps be furnished than the result of that election. Still we deny that this militates against the correctness of the proposition we

have advanced, as a general rule. Notwithstanding their too great susceptibility to the influence of individual wealth and corporate power, we must ultimately look for the true interpretation of justice only to the sober second thought of the whole people.

Let us analyze this matter minutely. If the expression of the public mind is not to be acknowledged as the interpreter of justice, and we are to look to a fraction, that fraction must be the purest, or the strongest, or the wealthiest, or the wisest.

If we look to the purest for oracles of justice, we at once get as a political power a priesthood or a church. We get an aristocracy of priests, or an aristocracy of church members. How unwise the first is, has been ploughed deeply into the history of mankind. For the political exaltation of a priesthood brings with it a concession of a monopoly of moral truth. It binds the mind in fetters; it proclaims the slavery of the soul; thus destroying freedom at its source, and with freedom destroying the possibility of public virtue and justice. New England has had an example of an aristocracy of church members, in the early history of Massachusetts; and the record of its fatal tendency is written in acts of bigotry, and in letters of blood.

The aristocracy of the strongest has also been tried. It is the feudal system, and the system of each modern military despotism, giving dominion to brute force. It is the system which despises freedom, and annihilates mind. This form of aristocracy, far from aspiring to interpret justice, aims only at asserting its own will.

The fraction of the wealthy next urges its claim. This claim is more frequently maintained. It is the part of wisdom to found government on property, says Webster,

giving utterance to the creed of our American modern whigs. The poet Addison, once secretary of state, was a good English whig in his day. He maintained the same opinion.

Now, to every rich man there are two things:—First, he is a man; as such, democracy respects him, and gives him equal rights. Next is his wealth; but wealth is blind. It cannot reason, and it cannot feel. The money-bag has neither heart nor mind. The love of riches is a base passion. If government is surrendered to it, then the question will be, "What will be said of this measure by the speculators in real estate? What will be thought of it by the bears and bulls in the stock-market?" Therefore democracy rejects the government of wealth. She insists on putting the question, not to note-shavers and money-makers, not to those who are rich, and struggling to grow richer, but to conscience and to mind.

The fraction of the learned comes next—the wise men after the flesh. Excellent as men of learning are in their place, I should be loath to resign the government of the country into the hands of college professors or the learned of the land. For learning has a pride and an arrogance of its own. It is a remarkable fact, that the great progress in science and government has not been made at universities. Our fathers were outcasts from the universities; and Oxford in England taught the doctrine of passive obedience to kings, long after Hooker and Haynes had founded government in Connecticut on undivided obedience to God. When the angel of advancing reform knocks at the gate of our colleges, he is too often met with a rebuff, and compelled, as in the days of the patriarch, to go out and break bread with the herdsman beneath a tree. And though a hearty sympathy witn popu-

lar liberty is the sole condition on which an American scholar can hope for enduring fame, or a college can attain highest success, it still proves hard for the very learned to acknowledge that learning is but a cistern, and that in every mind there is a living fountain of truth. Therefore it is that Lord Bacon holds it necessary for the inquirer to become as a little child, or he cannot hope to enter into the kingdom of intelligence; and we have good authority for believing that Heaven, in its high purposes of reform, selects for its agents not many wise after the flesh. God hath chosen the foolish things of the world to confound the wise, and God hath chosen the weak things of the world to confound the things which are mighty.

Thus justice refuses to plead before a fraction of the people. She establishes her open tribunal, and seeks a decree in harmony with conscience and the voice of God, by appointing the whole people as the umpire and sovereign arbiter.

Democracy regards government as springing from the necessity implanted in man's nature. Wherever there are human beings, wherever there are intelligent life and freedom, there, also, the inward voice of God in the soul commands society to be instituted.

When the people assemble in convention to settle the FORMS of government, they do not create government, they only institute it. The office of the members of a convention is, to inquire what justice commands. They do not arbitrarily create forms; they do but ask after the forms which are best adapted to the great ends of society. And not claiming for themselves infallibility, they do not regard their work as an inviolable compact, but as an institution to be amended, reformed, and perfected,

as fast as the increase of knowledge and uprightness shall demand.

Thus democracy rests government on the strongest possible foundation;—on the law of God in the soul of man. It seeks to establish fundamental laws, in conformity to the immutable principles of never-changing justice. And as the race is constantly advancing in intelligence, democracy secures to the people the right to make constant progress in the form of government. Thus the people have taken care to provide a method for amending the constitution of the United States.

In framing a constitution, democracy demands that in every branch of government, that system shall be adopted which permits the most ready and certain career to the expression of the public conviction. *The form which leaves power nearest the people, is the form chosen by democracy.*

First, then, it asserts the doctrine of universal franchise in the election of legislators. The whole people must participate in the appointing power, and must participate in it directly.

The legislators thus elected are but trustees of the people; therefore responsible; and swift responsibility is secured by frequent elections. Here we, of New England, have cause of gratitude to our forefathers.

If office is a burden, it should not be forced upon a few; if it be a benefit, it should be dispensed as widely as possible. To this end democracy enjoins rotation in office.

The governor of a commonwealth is, in the eye of democracy, the representative of its people, and, as such, is bound to watch over their freedom and protect their rights. The president of the United States is, in like

manner, the representative of the people of the United States; and, as a faithful representative, he is bound to sustain the power of the people.

Hence it is, that, in the true spirit of democracy, the people have intrusted him with a tribunitial power. He is, by the constitution, the grand tribune of the people, possessing for the people the power of a VETO, bound to restrain the aristocratic tendencies of legislation, and to negative every law that interferes with the constitution, with freedom, with popular power. The corrupt and corrupting influence of a gigantic moneyed aristocracy was arrested by the tribunitial act of Andrew Jackson. The whole country, the world, now recognizes the justice of that act.

And this brings me to the great executive question of the SWORD and the PURSE.

If the sword is to be used at all, it must certainly be to execute the laws ordained by the people, and, when the sad necessity occurs, must be used by the executive. God forbid it should ever be used except in conformity to law, by those who are bound to execute the law! But against its unjust use democracy erects barriers. In relation to individuals, a trial in open court, and a verdict by a jury, must precede the punishment of a capital crime.

As it regards the people, a legislative act must of necessity precede the use of the sword. Democracy, I have said, is reason ruling through the people. It therefore never can begin an offensive war; and, if it could pervade the civilized world, there would be an end of all wars. The sword would be beaten into the ploughshare and the sickle, and the din of arms would be hushed in the peaceful reign of justice. But as, in our imperfect state of society, the possession of arms is needed for self-

defence, the employment of military force is forbidden except under an act of legislation. Thus the courts of justice, the people's jury, the legislature, the people themselves, stand between the executive and the wrongful use of the sword. I have no apprehension of tyranny, notwithstanding the governor in each New England commonwealth possesses the sword. Nay, rather, I hold it as an evidence of advancing civilization, that, in the United States, "the military is, in all cases, and at all times, in strict subordination to the civil power."

In like manner, the executive must, by the very nature of the case, have from the public purse the moneys needed by the public appropriations. Who shall keep the revenue? Democracy answers, The officers of the people; those who are appointed for that purpose by the people themselves: if the people intrust the appointing power to the president, then the officers whom the president shall appoint under the constitution and the laws. The constitution of the United States is explicit on this subject; it declares, in emphatic language, that "no money shall be drawn from the treasury but in consequence of appropriations made by law."

But this does not satisfy the aristocracy. That aristocracy wishes, in advance of appropriations made by law, to take all the public revenue out of the treasury of the people, and place it where it will be independent of the government, and therefore independent of the people. Yes, the wish is to take the revenues of the United States out of the power and control of the people of the United States, and place them, by a permanent law, in the custody of corporations, that, by their very nature, are the representatives of the aristocracy of wealth. The consequence of this is twofold. First, it gives to the

moneyed interest, through the banks, a veto power on every executive act; for the irresponsible corporations may refuse to the United States the use of the public revenues. And next, by taking the public funds out of the custody of officers directly or indirectly appointed by the people, it of necessity creates an aristocracy, and places the treasury in the perpetual custody of corporations. We object to appointments for life; but this organization of the treasury implies a perpetuity of trust, conferred on bodies which, though they possess no moral life, would yet never die, if it were not that every unjust institution is essentially mortal. The effect is, in fact, to create, in connection with the treasury, a perpetuity of office-holders, and to neutralize and destroy a portion of the executive power by legislative enactments, in direct violation of the intention of the constitution.

The first and most marked, the characteristic TENDENCY of democracy, is towards improvement. Not bound down by experience, not satisfied with the results of the past, it is restless in its struggles after advancement in freedom, in equality, in public happiness, in the widest extension of the benefits of civilization. It longs for a brighter and a happier futurity. It does not believe that the legislators of old time have established landmarks of civilization never to be carried forward; on the contrary, it believes rather that the boundaries of civilization have been constantly advancing, and are destined to be yet more widely extended.

Such was the faith of Jefferson, and his public life was in harmony with it. His first great act in the American Congress was to write, in letters of light, the new doctrine of the independence of America, and to connect with that independence the great ideas of the rights of

man. His proclamation to the world, on taking the oath of office as president, was, Freedom of Inquiry, and the Power of the People; that is, the right to discover new truth, and to embody that truth in legislation; and in his latest old age, beautiful visions of the future still floated before his eyes, and even to the hour of death, in the calm serenity that springs from faith in human progress, he gave up his spirit to God, from whom it emanated, with the tranquillizing words, "Now, Lord, lettest thou thy servant depart in peace."

This constant hope of progress is denounced by our opponents as destructive of present institutions—a war against the past. But, in truth, democracy is not destructive; she makes no war on the past; she plans no overthrow of the present. On the contrary, she garners up and bears along with her all the truths that past generations have discovered; she will not let go one single idea, not one principle, not one truth. She has an honest lineage; she is, under God's providence, the lawful offspring of advancing humanity, and she claims as her rightful inheritance the glorious inventions, the rich discoveries of the past. But democracy does not, like the Egyptians, embalm the dead; she does not bear along with her decayed institutions, errors that have inflicted on themselves their own death-blow. She leaves the self-styled conservative to stagger along under the accumulated superstitions and wasting structures of past centuries, to totter under the piles of charters that have expired, of contracts that have been broken; and she herself keeps on in her course, having for her companions all the noble institutions which rest, self-sustained, in their own integrity; and for the guaranty of her success, the natural immortality of truth, and the ever-active providence of God.

I know that this faith in man's advancement is, by many, esteemed visionary: I know that many of our opponents assert that the immense difference between the favored classes and the toilsome children of labor is the order of providence; that the history of the future, like the history of the past, must show the largest number in a state of ignorance and suffering, and all the benefits of civilization the exclusive enjoyment of the few. The argument, as far as it regards society, is refuted by facts. Each year has given to humanity new trophies, in its effort to diffuse the benefits of freedom.

But the faith in advancement admits of a nobler justification. It rests on the highest elements of morality; is blended with all that is noble in human nature; and, far from being the faith of fanatics and visionaries, we avow, as a part of our democratic creed, that this faith is essential to the character of a good practical statesman; that every truly great legislator is not limited in the action of his mind to experience, to examples, to decided cases, but acknowledges that there is an ideal which states and nations should strive to realize.

To any one who admits the distinctions of morals, this proposition is capable of demonstration. Politics, rightly considered, are morals applied to public affairs; for the providence of God is supreme every where; He is the God of nations, as well as the God of man. Now, then, go into private life. YOUNG MEN, you who are striving to build up for yourselves a pure fame, will you seek in those around you for the high ideal of moral worth? Shall the example of men around you, swayed to and fro by the passions of the moment, soured by disappointment, kindling with excitement, debased by desires, ever the dupes of their own selfishness; shall the

example of beings, as imperfect as each individual of our race, constitute the rule of conduct? If it were so, there could be no such thing as striving after virtue; for no man is in himself a personification of virtue; no man has realized perfection. To establish, then, a rule of morality, deduced from the practice of individuals, has, for its necessary result, the abandonment of highest excellence, and substituting for it imperfect experience. Such a system would destroy all morality; would substitute human imperfection for the divine law, the actual passions of mortals for the bright though unrealized image of the divine man, which God has implanted in the heart.

The same is true of politics. Follow experience, you may renew monarchy, feudalism, the dominion of a selfish stock aristocracy. You necessarily vitiate legislation, by proposing in the outset to shape it after imperfect models. It is necessary for the statesman to have in his mind the conception of a perfect legislation; that he may thus, by the comparison, be constantly led to discover existing defects, and to move, if slowly yet certainly, in the paths of improvement.

The immediate tendency of democratic legislation is towards a true and full declaration of national independence,—a perfect relief from the last remaining bonds of the old colonial system, which was but a branch of the false mercantile system. That system founded commerce not on reciprocity, but on privileges secured by treaty, or enforced by oppression; making commerce, which should be a pledge of peace, the fruitful parent of wars. This system was dominant in European politics for a century. Our Declaration of Independence was its death warrant; and though it still lingered into the lap

of a better century, it never could effect a reversal of its doom. When these United States began their existence as a nation, the traces of the false mercantile system were branded deeply into the code of every European maritime power. The principle involved in our very existence as a nation, was perpetually coming in conflict with the many European abuses which protruded themselves into our path, and attempted to block up our progress. For the nations of Europe to recognize a colony as an equal; for the monarchs and aristocracies of Europe to admit a democratic republic to equal influence in the interpretation of international law, implied changes in the European world as vast as those which were effected by our independence itself. England has not yet learned to respect our republic as her equal. The same spirit which, in the days of Washington, dictated its refusal to surrender the north-western posts, inspires her councils now in her arrogant usurpations. Aristocratic England has not yet learned a due respect for the plebeian republic, which is spreading her language from one end of the continent to the other. On questions of international law, democracy, asserting equality, and submitting, self-restrained, to the limitations of justice, tends towards establishing freedom of goods for free ships, and guarding a vessel on the high seas as a floating colony.

Our opponents extol the benefits of a mixed currency, and yet they resist all efforts to make even the least advance towards a mixed currency. Specie has been banished almost entirely, except for purposes of making change. In consequence, while a high tariff, by its very nature, excluded the American manufactures from the foreign market, each protective tariff was in succession,

rendered nugatory at home; for as the tariff was advanced, the currency expanded, till in the fever of speculation and extravagant prices, the cost of production rose to such a degree, that the foreigner could pay the high duties, and yet compete with the American manufacturer in the American market.

Wide suspensions of specie payments have occurred twice already; and these again operate ruinously on the manufacturer. If, in the time of suspension, he borrows, he must give his notes at par, and receive a depreciated currency.

But this is not all: this same unnatural mercantile system has been followed by immense public debts, and for these state scrip was negotiated abroad. But in fact the money was raised here at home; England sent nothing in exchange for our hundreds of millions of stocks but more bales of broadcloths, larger importations from the workshops of Birmingham and Manchester. So true is this, that one of the agents for the sale of state stocks appealed to British capitalists in behalf of British manufacturers to participate in the loans. "*The capital borrowed by the United States*"—I quote the words of the agent—"*is transferred by bills from the banker to the merchant, and is taken to America, not in bullion,* BUT IN BRITISH GOODS; *every investment made, while it adds to the income of the capitalists, swells the profits of the British manufacturer.*" Here is the cause of most of the distress. But for these disastrous loans, and the consequent flood of foreign manufacturers inundating the country, the workshop of many a manufactory, which is now inactive from the impoverishment of its owner, would have still been the happy scene of contented, prosperous industry.

But when I hear men assert that the interests of labor are bound up inseparably with the unstable character of our currency, my heart bleeds within me at the thought of the monstrous deception which is attempted.

Their arguments need only to be stated, in order to expose their fallacy; let the harmlessness of such false appeals teach our opponents respect for the intelligence of the people.

Our currency is alternately contracting as well as expanding. By drawing nearer to the true specie standard, depression is guarded against, even more than its opposite; and steady prices, a sure market for manufactures, and a uniform demand for labor, would be the consequence. The pendulum swings too far each way; the tendency of democracy is to repress the extravagances from which speculators alone reap benefits, and to guard against the depressions which at last spread through the land, dismissing the laborer from his employment, diminishing the prices of produce, and carrying grief into the families of the independent manufacturers, whose hearths, but for our unstable currency, would have been gladdened by an honest competence.

And now I turn on the men who make a pretence of contending for the laboring classes, when, in fact, they are pleading the cause of large corporations; and I say, *the tendency of democracy is toward the elevation of the industrious classes, the increase of their comfort, the assertion of their dignity, the establishment of their power.* This cannot be done by any system of artificial legislation; for of that the great corporations will always appropriate the benefits. The large corporations, it is true, are forever calling in the laboring classes to advocate their demands for monopoly; Tom Thumb fights

the battle, but the giant takes the spoils. The laboring classes can be elevated only by a system of equal laws. But I go farther: nothing so much retards their progress as the vices of our currency, which expands when rising prices require a check to enterprise, and contracts when falling prices make credit most desirable; which, at one time, excites fallacious hopes, by creating a sudden and unnatural demand for laborers, and, at another, sacrifices their happiness and abruptly turns them off by double scores.

My bosom swells with indignation, when I find men commending to the affections of the laboring class the very evils in our currency which inflict on them the most vital injury. Against their sophistry there is a living and an eloquent witness in the breast of each one of the myriads of the producing classes. I call on the laborer himself to pause and reflect; and his own mind will whisper to him full replies to the artful appeals of aspiring statesmen, who, pretending to advance his interests, are, in reality, the advocates of the maxims of aristocracy.

Again, democracy tends to order and security of property; for, by reconciling legislation with justice, it invokes always the energy of conscience, and gives to public law not the force only of an arm of flesh, but that infinitely higher power, the force of moral opinion.

It tends to equality; for, by founding government on reason, it is pledged to recognize the equal claims of all who are endowed with reason.

It tends to promote education; seeking to make a common stock of the stores of intelligence, the fruits of mind, which, far from being diminished by being shared, are increased the more rapidly, the more widely they are diffused.

Once more: the tendency of democratic truth is, to inspire not only a confidence in itself, but a confidence in its success. We believe in democratic truth, and we believe also in the overruling providence of God. The ultimate prevalence of the right is therefore certain; for while every error is essentially mortal, and every wrong, of necessity, in the end avenges itself, justice partakes of the Divine immortality, and is destined always to outlive and to rise above its adversaries.

THE VIRGINIA AND KENTUCKY RESOLUTIONS OF 1798.

The measures of the party now in power has thus far been, and, from the known character and avowed designs of their leaders, will probably continue to be, only a revival, in their worst and most obnoxious forms, of the wild, visionary and aristocratic schemes of the old federal party—measures calculated to build up and sustain certain classes of the community at the expense of all others, and give to the moneyed aristocracy a commanding influence over the legislation of this country. Believing the celebrated Virginia and Kentucky Resolutions of 1798 to be the best standard by which the people can try the merit or demerit of those measures, the Editor has deemed it proper to insert them in the present volume of the True American, and he exhorts every citizen of this yet free republic to "read them again and again, to study them carefully, and inwardly digest them." He can add nothing more excellent by way of further in-

troduction, than to copy the following preface, prefixed to a pamphlet copy of these resolutions in February, 1826, by that veteran democrat and excellent man, the venerable editor of the Richmond Enquirer, THOMAS RITCHIE.

"The administration of Mr. John Adams was a dark day for the republic. Then, Alien and Sedition acts were let loose upon us; the purity of the constitution itself was violated by the madness of party; and those rights which had been respectively reserved to the states and to the people, were exposed to the most fearful jeopardy by the usurpations of the federal government.

"But the friends of the constitution did not 'despair of the republic.' Though the liberty of speech and of the press was invaded; though the power and patronage of the government were exerted to intimidate or seduce the people, the republicans did not abandon the cause of their country. Their resistance continued with the crisis; the form of it only was varied. While Mr. Jefferson remained in the Senate of the United States, and Mr. Gallatin in the House of Representatives, most of their most able and active friends, in some of the states, retired from the walks of the general government, and retreated to the state legislatures; in which great citadels of the public liberty they proposed to re-assert the true principles of the government. The republicans succeeded, and the constitution was saved.

"Among the most memorable productions of those times were the Resolutions and Reports which were adopted by the legislatures of Kentucky and Virginia. These were penned by Jefferson and Madison. To Mr. Madison is due the honor of having drafted the Virginia Resolutions of the 21st December, 1798, and that masterly vindication of them, which was adopted by the legislature of Virginia during the session of 1799–1800; a paper which is familiarly known by the name of '*Madison's Report*,' and which deserves to last as long as the constitution itself.

"The Resolutions of Kentucky were submitted to

the legislature of that state by Mr. John Breckenridge, and adopted by them on the 10th of November, 1798. They had the honor of being penned by the author of the Declaration of American Independence.

"Both these esteemed productions are scarce, and out of print. They are frequently asked for. They are again wanting to re-establish the landmarks of the constitution, and to stay that flood of encroachment which threatens to sweep our country. The rights of the states and of the people are again assailed in an alarming manner. Doctrines are preached in high places, which are directly at war with the principles of our government. The centripetal power is assuming a new and fearful energy. Under the authority of great names, great errors are maintained. Is it not time, then, for the friends of truth to rally together, and to re-assert her principles? Where can we find these principles more clearly stated, or the arguments in their defence more powerfully developed, than in the celebrated productions which the publisher of this pamphlet now lays before his readers?"

VIRGINIA RESOLUTIONS

OF 1798, PRONOUNCING THE ALIEN AND SEDITION LAWS TO BE UNCONSTITUTIONAL, AND DEFINING THE RIGHTS OF THE STATES. DRAWN BY MR. MADISON, AND PRESENTED AND ENFORCED BY JOHN TAYLOR OF CAROLINE.

In the Virginia House of Delegates,
Friday, Dec. 21, 1798.

Resolved, That the General Assembly of Virginia doth unequivocally express a firm resolution to maintain and defend the constitution of the United States, and the constitution of this state, against every aggression, either foreign or domestic; and that they will support the government of the United States in all measures warranted by the former.

That this assembly most solemnly declares a warm attachment to the union of the states, to maintain which it pledges its powers; and, that for this end, it is their duty to watch over and oppose every infraction of those

principles which constitute the only basis of that Union, because a faithful observance of them can alone secure its existence and the public happiness.

That this assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact to which the states are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states, who are parties thereto, have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them.

That the General Assembly doth also express its deep regret, that a spirit has, in sundry instances, been manifested by the federal government to enlarge its powers by forced constructions of the constitutional charter which defines them; and that indications have appeared of a design to expound certain general phrases (which, having been copied from the very limited grant of powers in the former articles of confederation were the less liable to be misconstrued) so as to destroy the meaning and effect of the particular enumeration which necessarily explains and limits the general phrases, and so as to consolidate the states by degrees, into one sovereignty, the obvious tendency and inevitable result of which would be, to transform the present republican system of the United States into an absolute, or, at best, a mixed monarchy.

That the General Assembly doth particularly protest against the palpable and alarming infractions of the constitution, in the two late cases of the "Alien and Sedition Acts," passed at the late session of Congress, the first of which exercises a power no where delegated to the federal government, and which, by uniting legislative and judicial powers to those of executive, subverts the general principles of free government, as well as the particular organization and positive provisions of the federal con-

stitution; and the other of which acts exercises, in like manner, a power not delegated by the constitution, but, on the contrary, expressly and positively forbidden by one of the amendments thereto; a power which, more than any other, ought to produce universal alarm, because it is leveled against the right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right.

That this state having, by its convention which ratified the federal constitution, expressly declared, that among other essential rights, "the liberty of conscience and the press cannot be cancelled, abridged, restrained, or modified by any authority of the United States," and from its extreme anxiety to guard these rights from every possible attack of sophistry and ambition, having with other states recommended an amendment for that purpose, which amendment was, in due time, annexed to the constitution, it would mark a reproachful inconsistency and criminal degeneracy, if an indifference were now shown to the most palpable violation of one of the rights thus declared and secured; and to the establishment of a precedent which may be fatal to the other.

That the good people of this commonwealth, having ever felt, and continuing to feel the most sincere affection for their brethren of the other states; the truest anxiety for establishing and perpetuating the union of all; and the most scrupulous fidelity to that constitution, which is the pledge of mutual friendship, and the instrument of mutual happiness; the General Assembly doth solemnly appeal to the like dispositions in the other states, in confidence that they will concur with this commonwealth in declaring, as it does hereby declare, that the acts aforesaid are unconstitutional;—and that the necessary and proper measures will be taken *by each* for co-operating with this state, in maintaining unimpaired the authorities, rights, and liberties, reserved to the states respectively, or to the people.

That the governor be desired to transmit a copy of the foregoing resolutions to the executive authority of each of the other states, with a request that the same may be com-

municated to the legislature thereof; and that a copy be furnished to each of the senators and representatives representing this state in the Congress of the United States.

December 24, 1798.—*Agreed to by the Senate.*

Extracts from the Address to the People which accompanied the foregoing Resolutions.

Fellow-citizens:—Unwilling to shrink from our representative responsibilities, conscious of the purity of our motives, but acknowledging your right to supervise our conduct, we invite your serious attention to the emergency which dictated the subjoined resolutions. Whilst we disdain to alarm you by ill-founded jealousies, we recommend an investigation guided by the coolness of wisdom, and a decision bottomed on firmness, but tempered with moderation.

It would be perfidious in those intrusted with the GUARDIANSHIP OF THE STATE SOVEREIGNTY, and acting under the solemn obligation of the following oath—"I do swear that I will support the constitution of the United States," not to warn you of encroachments which, though clothed with the pretext of necessity, or disguised by arguments of expediency, may yet establish precedents, which may ultimately devote a generous and unsuspicious people to all the consequences of usurped power.

Encroachments springing from a government whose ORGANIZATION CANNOT BE MAINTAINED WITHOUT THE CO-OPERATION OF THE STATES, furnish the strongest excitements upon the state legislatures to watchfulness, and impose upon them the strongest obligation TO PRESERVE UNIMPAIRED THE LINE OF PARTITION.

The acquiescence of the states under infractions of the federal compact, would either beget a speedy consolidation, by precipitating the state governments into impotency and contempt, or prepare the way for a revolution, by a repetition of these infractions, until the people are aroused to appear in the majesty of their strength. It is to avoid these calamities that we exhibit to the people the momentous question, whether the constitution of the Uni-

ted States shall yield to a construction which defies every restraint, and overwhelms the best hopes of republicanism.

Exhortations to disregard domestic usurpation, until foreign danger shall have passed, is an artifice which may be forever used; because the possessors of power, who are the advocates for its extension, can ever create national embarrassments, to be successively employed to soothe the people into sleep, whilst that power is swelling silently, secretly, and fatally. Of the same character are insinuations of a foreign influence, which seize upon a laudable enthusiasm against danger from abroad, and distort it by an unnatural application, so as to blind your eyes against danger at home.

The Sedition act presents a scene which was never expected by the early friends of the constitution. It was then admitted that the state sovereignties were only diminished by powers specifically enumerated, or necessary to carry the specified powers into effect. Now federal authority is deduced from implication, and from the existence of state law, it is inferred that Congress possesses a similar power of legislation; whence Congress will be endowed with a power of legislation, in all cases whatsoever, and the states will be stripped of every right reserved, by concurrent claims of a paramount legislature.

The Sedition act is the offspring of these tremendous pretensions, which inflict a death-wound on the sovereignty of the states.

For the honor of American understanding, we will not believe that the people have been allured into the adoption of the constitution, by an affectation of defining powers, whilst the *preamble* would admit a construction, which would erect the will of Congress into a power paramount in all cases, and therefore limited in none. On the contrary, it is evident that the objects for which the constitution was formed were deemed attainable only by a particular enumeration and specification of each power granted to the federal government; reserving all others to the people, or to the states. And yet it is in vain we search for any specified power, embracing the right of legislation against the freedom of the press.

Had the states been despoiled of their sovereignty by

the generality of the preamble, and had the federal government been endowed with whatever they should judge to be instrumental towards the union, justice, tranquillity, common defence, general welfare, and the preservation of liberty, nothing could have been more frivolous than an enumeration of powers.

All the preceding arguments arising from a deficiency of constitutional power in Congress, apply to the Alien act, and this act is liable to other objections peculiar to itself. If a suspicion that aliens are dangerous, constitute the justification of that power exercised over them by Congress, then a similar suspicion will justify the exercise of a similar power over natives. Because there is nothing in the constitution distinguishing between the power of a state to permit the residence of natives and aliens. It is, therefore, a right originally possessed, and never surrendered by the respective states, and which is rendered dear and valuable to Virginia, because it is assailed through the bosom of the constitution, and because her peculiar situation renders the easy admission of artisans and laborers an interest of vast importance.

But this bill contains other features, still more alarming and dangerous. It dispenses with the trial by jury; it violates the judicial system; it confounds legislative, executive, and judicial powers; it punishes without trial; and it bestows upon the President despotic power over a numerous class of men. Are such measures consistent with our constitutional principles? And will an accumulation of power so extensive, in the hands of the executive, over aliens, secure to natives the blessings of republican liberty?

If measures can mould governments, and if an uncontrolled power of construction is surrendered to those who administer them, their progress may be easily foreseen and their end easily foretold. A lover of monarchy, who opens the treasures of corruption, by distributing emolument among devoted partisans, may, at the same time, be approaching his object, and deluding the people with professions of republicanism. He may confound monarchy and republicanism by the art of definition. He may varnish over the dexterity which ambition

never fails to display, with the pliancy of language, the seduction of expediency, or the prejudices of the times. And he may come at length to avow, that so extensive a territory as that of the United States can only be governed by the energies of monarchy; that it cannot be defended, except by standing armies; and that it cannot be united, except by consolidation.

Measures have already been adopted, which may lead to these consequences. They consist

In fiscal systems and arrangements, which keep a host of commercial and wealthy individuals, embodied and obedient to the mandates of the treasury;

In armies and navies, which will, on the one hand, enlist the tendency of man to pay homage to his fellow-creature who can feed or honor him; and on the other, employ the principle of fear, by punishing imaginary insurrections, under the pretext of preventive justice;

In swarms of officers, civil and military, who can inculcate political tenets tending to consolidation and monarchy, both by indulgences and severities, and can act as spies over the free exercise of human reason;

In restraining the freedom of the press, and investing the executive with legislative, executive, and judicial powers, over a numerous body of men.

And that we may shorten the catalogue, in establishing by successive precedents such a mode of construing the constitution, as will rapidly remove every restraint upon federal power.

Let history be consulted; let the man of experience reflect; nay, let the artificers of monarchy be asked, what further materials they can need for building up their favorite system.

These are solemn, but painful truths; and yet we recommend it to you, not to forget the possibility of danger from without, although danger threatens us from within. Usurpation is indeed dreadful; but against foreign invasion, if that should happen, let us rise with hearts and hands united, and repel the attack with the zeal of freemen, who will strengthen their title to examine and correct domestic measures, by having defended their country against foreign aggression.

Pledged as we are, fellow-citizens, to these sacred engagements, we yet humbly, fervently implore the Almighty Disposer of events to avert from our land war and usurpation, the scourges of mankind, to permit our fields to be cultivated in peace; to instil into nations the love of friendly intercourse; to suffer our youth to be educated in virtue; and to preserve our morality from the pollution invariably incident to habits of war; to prevent the laborer and husbandman from being harassed by taxes and imposts; to remove from ambition the means of disturbing the commonwealth; to annihilate all pretexts for power afforded by war; to maintain the constitution; and to bless our nation with tranquillity, under whose benign influence we may reach the summit of happiness and glory, to which we are destined by *nature* and *nature's God.*

KENTUCKY RESOLUTIONS.

In the House of Representatives, Nov. 10, 1798.

The House, according to the standing order of the day, resolved itself into a committee of the whole on the state of the commonwealth, Mr. Caldwell in the chair.

And after some time spent therein, the Speaker resumed the chair, and Mr. Caldwell reported that the committee had, according to order, had under consideration the governor's address, and had come to the following resolutions thereupon, which he delivered in at the clerk's table, where they were twice read and agreed to by the House.

1. *Resolved*, That the several states composing the United States of America, are not united on the principle of unlimited submission to their general government, but that by compact under the style and title of a constitution for the United States, and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving each state to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force: That to this

compact each state acceded as a state, and is an integral party, its co-states forming, as to itself, the other party: That the government created by this compact was not made the exclusive or final *judge* of the extent of the powers delegated to itself; since that would have made its discretion, and not the constitution, the measure of its powers; but that as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

2. *Resolved*, That the constitution of the United States having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies and felonies committed on the high seas, and offences against the laws of nations, and no other crimes whatever, and it being true as a general principle, and one of the amendments to the constitution having also declared "that the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people;" therefore also the same act of Congress, passed on the 14th day of July, 1798, and entitled "An act in addition to the act entitled an act for the punishment of certain crimes against the United States;" as also the act passed by them on the 27th day of June, 1798, entitled "An act to punish frauds committed on the Bank of the United States," (and all other acts which assume to create, define, or punish crimes other than those enumerated in the constitution,) are altogether void and of no force; and that the power to create, define, and punish such other crimes is reserved, and of right appertains solely and exclusively to the respective states, each within its own territory.

3. *Resolved*, That it is true as a general principle, and is also expressly declared by one of the amendments to the constitution, that "the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people;" and that no power over the freedom of religion, freedom of speech, or freedom of the press, being delegated to the United States by the constitution, nor

prohibited by it to the states, all lawful powers respecting the same did of right remain and were reserved to the states, or to the people: That thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far those abuses which cannot be separated from their use, should be tolerated rather than the use be destroyed; and thus also, they guarded against all abridgment by the United States of the freedom of religious opinion and exercises, and retained to themselves the right of protecting the same, as this state, by a law passed on the general demand of its citizens, had already protected them from all human restraint or interference: And that in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments of the constitution, which expressly declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press," thereby guarding in the same sentence, and under the same words, the freedom of religion, of speech, and of the press, insomuch that whatever violates either, throws down the sanctuary which covers the others, and that libels, falsehoods, and defamation, equally with heresy and false religion, are withheld from the cognizance of federal tribunals: That therefore the act of the Congress of the United States, passed on the 14th day of July, 1798, entitled "An act in addition to the act for the punishment of certain crimes against the United States," which does abridge the freedom of the press, is not law, but is altogether void and of no effect.

4. *Resolved*, That alien friends are under the jurisdiction and protection of the laws of the state wherein they are; that no power over them has been delegated to the United States, nor prohibited to the individual states distinct from their power over citizens; and it being true as a general principle, and one of the amendments to the constitution having also declared that "the powers not delegated to the United States by the constitution, nor

prohibited by it to the states, are reserved to the states respectively, or to the people," the act of the Congress of the United States, passed on the 22d day of June, 1798, entitled "An act concerning aliens," which assumes power over alien friends not delegated by the constitution, is not law, but is altogether void and of no force.

5. *Resolved*, That in addition to the general principle, as well as the express declaration, that powers not delegated are reserved, another and more special provision inserted in the constitution from abundant caution has declared that "the *migration* or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808:" that this commonwealth does admit the migration of alien friends described as the subject of the said act concerning aliens; that a provision against prohibiting their migration is a provision against all acts equivalent thereto, or it would be nugatory; that to remove them when migrated, is equivalent to a prohibition of their migration, and is therefore contrary to the said provision of the constitution, and void.

6. *Resolved*, That the imprisonment of a person under the protection of the laws of this commonwealth on his failure to obey the simple *order* of the President to depart out of the United States, as is undertaken by the said act, entitled "An act concerning aliens," is contrary to the constitution, one amendment to which has provided that "no person shall be deprived of liberty without due process of law," and that another having provided, "that in all criminal prosecutions, the accused shall enjoy the right to a public trial by an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence," the same act undertaking to authorize the President to remove a person out of the United States who is under the protection of the law, on his own suspicion, without accusation, without jury, without public trial, without confrontation of the witnesses against him, without having witnesses in his favor, without defence, without counsel, is contrary to

these provisions also of the constitution, is therefore not law, but utterly void and of no force.

That transferring the power of judging any person who is under the protection of the laws, from the courts to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the constitution which provides, that "the judicial power of the United States shall be vested in courts, the judges of which shall hold their offices during good behavior," and that the said act is void for that reason also; and it is further to be noted, that this transfer of judiciary power is to that magistrate of the general government who already possesses all the executive, and a qualified negative in all the legislative powers.

7. *Resolved*, That the construction applied by the general government (as is evinced by sundry of their proceedings) to those parts of the constitution of the United States which delegate to Congress a power to lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence and general welfare of the United States, and to make all laws which shall be necessary and proper for carrying into execution the powers vested by the constitution in the government of the United States, or any department thereof, goes to the destruction of all the limits prescribed to their power by the constitution: that words meant by that instrument to be subsidiary only to the execution of the limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part so to be taken, as to destroy the whole residue of the instrument; that the proceedings of the general government, under color of these articles, will be a fit and necessary subject for revisal and correction at a time of greater tranquillity, while those specified in the preceding resolutions call for immediate redress.

8. *Resolved*, That the preceding resolutions be transmitted to the Senators and Representatives in Congress from this commonwealth, who are hereby enjoined to present the same to their respective Houses, and to use their best endeavors to procure, at the next session of Congress, a repeal of the aforesaid unconstitutional and obnoxious acts.

9. *Resolved, lastly,* That the governor of this commonwealth be, and is hereby authorized and requested to communicate the preceding resolutions to the legislatures of the several states; to assure them that this commonwealth considers union for specified national purposes, and particularly for those specified in their late federal compact, to be friendly to the peace, happiness, and prosperity of all the states; that faithful to that compact, according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation: that it does also believe, that to take from the states all the powers of self-government, and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness, or prosperity of these states: and that, therefore, this commonwealth is determined, as it doubts not its co-states are, tamely to submit to undelegated and consequently unlimited powers in no man or body of men on earth: that if the acts before specified should stand, these conclusions would flow from them; that the general government may place any act they think proper on the list of crimes, and punish it themselves, whether enumerated or not enumerated by the constitution as cognizable by them; that they may transfer its cognizance to the President or any other person, who may himself be the accuser, counsel, judge and jury, whose *suspicions* may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction; that a very numerous and valuable description of the inhabitants of these states, being by this precedent reduced as outlaws to the absolute dominion of one man, and the barrier of the constitution thus swept away from us all, no rampart now remains against the passions and the power of a majority of Congress to protect from a like exportation, or other more grievous punishment, the minority of the same body, the legislators, judges, governors, and councillors of the states, nor their other peaceable inhabitants who may venture to reclaim the constitutional rights and liberties of the states and people, or who for other causes, good or

bad, may be obnoxious to the views, or marked by the suspicions of the President, or be thought dangerous to his or their elections, or other interests public or personal; that the friendless alien has indeed been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather has already followed; for already has a sedition act marked him as its prey; that these and successive acts of the same character, unless arrested on the threshold, may tend to drive these states into revolution and blood, and will furnish new calumnies against republican governments, and new pretexts for those who wish it to be believed that man cannot be governed but by a rod of iron: that it would be a dangerous delusion, were a confidence in the men of our choice to silence our fears for the safety of our rights; that confidence is every where the parent of despotism; free government is founded in jealousy, and not in confidence; it is jealousy, and not confidence, which prescribes limited constitutions to bind down those whom we are obliged to trust with power: that our constitution has accordingly fixed the limits to which and no further our confidence may go, and let the honest advocate of confidence read the Alien and Sedition acts, and say if the constitution has not been wise in fixing limits to the government it created, and whether we should be wise in destroying those limits? Let him say what the government is, if it be not a tyranny, which the men of our choice have conferred on the President, and the President of our choice has assented to and accepted over the friendly strangers, to whom the mild spirit of our country and its laws had pledged hospitality and protection; that the men of our choice have more respected the bare suspicions of the President than the solid rights of innocence, the claims of justification, the sacred force of truth, and the forms and substance of law and justice. In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the constitution. That this commonwealth does therefore call on its co-states for an expression of their sentiments on the acts concerning aliens, and for the punishment of certain crimes herein-before specified, plainly declaring

whether these acts are or are not authorized by the federal compact. And it doubts not that their sense will be so announced, as to prove their attachment unaltered to limited government, whether general or particular, and that the rights and liberties of their co-states will be exposed to no dangers by remaining embarked on a common bottom with their own; that they will concur with this commonwealth in considering the said acts were so palpably against the constitution, as to amount to an undisguised declaration that the compact is not meant to be the measure of the powers of the general government, but that it will proceed in the exercise over these states of all powers whatsoever; that they will view this as seizing the rights of the states, and consolidating them in the hands of the general government, with a power assumed to bind the states, not merely in cases made federal, but in all cases whatsoever, by laws made, not with their consent, but by others against their consent; that this would be to surrender the form of government we have chosen, and to live under one deriving its powers from its own will, and not from our authority; and that the co-states, recurring to their natural right in cases not made federal, will concur in declaring these acts void and of no force, and will each unite with this commonwealth in requesting their repeal at the next session of Congress.

INDEPENDENT TREASURY.

We have considered it proper to publish the Independent Treasury law, together with the speech of the Hon. Levi Woodbury on the passage of the bill to repeal that law, delivered in the Senate of the United States, June 9th, 1841. We desire the people to examine the whole subject before they pass sentence of condemnation on that important and valuable measure of the late administration of Mr. Van Buren. The real democracy of the

country have no wish to destroy sound banking. They wish to produce a more uniform system of the currency, and to lessen the mischiefs and evils of over-banking, by preventing, as far as possible, the great expansions and contractions of the paper money system. Its continued ebbs and flows render the value of all property uncertain and unstable. The managers of the scheme make large fortunes by the ruin and distress they have contributed to bring on a most valuable class of our active and industrious citizens.

AN ACT

TO PROVIDE FOR THE COLLECTION, SAFE-KEEPING, TRANSFER, AND DISBURSEMENT OF THE PUBLIC REVENUE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be prepared and provided, within the new treasury building now erecting at the seat of government, suitable and convenient rooms for the use of the treasurer of the United States, his assistants and clerks; and sufficient and secure fire-proof vaults and safes, for the keeping of the public moneys in the possession and under the immediate control of the said treasurer; which said rooms, vaults, and safes are hereby constituted and declared to be the treasury of the United States. And the said treasurer of the United States shall keep all the public moneys which shall come to his hands in the treasury of the United States as hereby constituted, until the same are drawn therefrom according to law.

Sec. 2. *And be it further enacted,* That the mint of the United States in the city of Philadelphia, in the state of Pennsylvania, and the branch mint in the city of New Orleans, in the state of Louisiana, and the vaults, and safes thereof, respectively, shall be places of deposite and safe-keeping of the public moneys at those points respectively; and the treasurer of the said mint and

branch mint, respectively, for the time being, shall have the custody and care of all public moneys deposited within the same, and shall perform all the duties required to be performed by them, in reference to the receipt, safe-keeping, transfer and disbursements of all such moneys, according to the provisions hereinafter contained.

SEC. 3. *And be it further enacted,* That there shall be prepared and provided, within the custom-houses now erecting in the city of New York, in the state of New York, and in the city of Boston, in the state of Massachusetts, suitable and convenient rooms for the use of the receivers-general of public moneys, hereinafter directed to be appointed, at those places, respectively; and sufficient and secure fire-proof vaults and safes for the keeping of the public moneys collected and deposited with them, respectively; and the receivers-general of public money, from time to time, appointed at those points, shall have the custody and care of the said rooms, vaults and safes, respectively, and of all the public moneys deposited within the same; and shall perform all the duties required to be performed by them, in reference to the receipt, safe-keeping, transfer, and disbursement of all such moneys, according to the provisions of this act.

SEC. 4. *And be it further enacted,* That there shall be erected, prepared and provided, at the expense of the United States, at the city of Charleston, in the state of South Carolina, and at the city of St. Louis, in the state of Missouri, offices, with suitable and convenient rooms for the use of the receivers-general of public money hereinafter directed to be appointed at the places above named; and sufficient and secure fire-proof vaults and safes for the keeping of the public money collected and deposited at those points, respectively; and the said receivers-general, from time to time appointed at those places, shall have the custody and care of the said offices, vaults and safes, so to be erected, prepared and provided, and of all the public moneys deposited within the same; and shall perform all the duties required to be performed by them; in reference to the receipt, safe-keeping, transfer, and disbursement of all such moneys, according to the provisions hereinafter contained.

SEC. 5. *And be it further enacted,* That the President shall nominate, and, by and with the advice of the Senate, appoint four officers, to be denominated "receivers-general of public money," which said officers shall hold their offices for the term of four years, unless sooner removed therefrom; one of which shall be located in the city of New York, in the state of New York; one other of which shall be located at the city of Boston, in the state of Massachusetts; one other of which shall be located at the city of Charleston, in the state of South Carolina; and the remaining one of which shall be located at the city of St. Louis, in the state of Missouri; and all of which said officers shall give bonds to the United States, with sureties according to the provisions hereinafter contained, for the faithful discharge of the duties of their respective offices.

SEC. 6. *And be it further enacted,* That the treasurer of the United States, the treasurer of the mint of the United States, the treasurers, and those acting as such, of the various branch mints, all collectors of the customs, all surveyors of the customs acting also as collectors, all receivers-general of public moneys, all receivers of public moneys at the several land offices, and all post-masters, except as is hereinafter particularly provided, be, and they are hereby, required to keep safely, without loaning or using, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered by the proper department or officer of the government to be transferred or paid out: and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the government, which may be imposed by this or any other acts of Congress, or by any regulation of the treasury department, made in conformity to law; and also to do and perform all acts and duties required by law, or by direction of any of the executive departments of the government, as agents for paying pensions, or for making any other disbursements which either of the heads of those departments may be required by law to make, and which are of a character to be made by the depositaries

hereby constituted, consistently with the other official duties imposed upon them.

SEC. 7. *And be it further enacted*, That the treasurer of the United States, the treasurer of the mint of the United States, the treasurer of the branch mint at New Orleans, and the receivers-general of public money herein-before directed to be appointed, shall, respectively, give bonds to the United States, in such form, and for such amounts, as shall be directed by the secretary of the treasury, by and with the advice and consent of the president, with sureties to the satisfaction of the solicitor of the treasury; and shall, from time to time, renew, strengthen, and increase their official bonds, as the secretary of the treasury, with the consent of the President, may direct; any law in reference to any of the official bonds of any of the said officers to the contrary notwithstanding.

SEC. 8. *And be it further enacted*, That it shall be the duty of the secretary of the treasury, at as early a day as possible after the passage of this act, to require from the several depositaries hereby constituted, and whose official bonds are not herein-before provided for, to execute bonds new and suitable in their terms to meet the new and increased duties imposed upon them respectively by this act, and with sureties, and in sums such as shall seem reasonable and safe to the solicitor of the treasury, and from time to time to require such bonds to be renewed and increased in amount and strengthened by new sureties, to meet any increasing responsibility which may grow out of accumulations of money in the hands of the depositary, or out of any other duty or responsibility arising under this or any other law of Congress.

SEC. 9. *And be it further enacted*, That all collectors and receivers of public money, of every character and description, within the district of Columbia, shall, as frequently as they may be directed by the secretary of the treasury or the postmaster-general so to do, pay over to the treasurer of the United States at the treasury thereof, all public moneys collected by them, or in their hands; that all such collectors and receivers of public moneys within the cities of Philadelphia and New Orleans, shall, upon the same direction, pay over to the treasurers of

the mints in their respective cities, at the said mints, all public moneys collected by them, or in their hands; and that all such collectors and receivers of public moneys within the cities of New York, Boston, Charleston, and St. Louis shall, upon the same direction, pay over to the receivers-general of public money in their respective cities, at their offices respectively, all the public moneys collected by them, or in their hands, to be safely kept by the said respective depositaries, until otherwise disposed of according to law; and it shall be the duty of the said secretary and postmaster-general to direct such payments by the said collectors and receivers, at all the said places, at least as often as once in each week, and as much more frequently, in all cases, as they, in their discretion, may think proper.

Sec. 10. *And be it further enacted*, That it shall be lawful for the secretary of the treasury to transfer the moneys in the hands of any depositary hereby constituted, to the treasury of the United States; to the mint at Philadelphia; to the branch mint at New Orleans; or to the offices of either of the receivers-general of public moneys, by this act directed to be appointed; to be there safely kept, according to the provisions of this act; and also to transfer moneys in the hands of any one depositary constituted by this act to any other depositary constituted by the same, at his discretion, and as the safety of the public moneys and the convenience of the public service shall seem to him to require; which authority to transfer the moneys belonging to the post-office department is also hereby conferred upon the postmaster-general, so far as its exercise by him may be consistent with the provisions of existing laws; and every depositary constituted by this act shall keep his account of the money paid to, or deposited with him, belonging to the post-office department, separate and distinct from the account kept by him of other public moneys so paid or deposited. And for the purpose of payments on the public account, it shall be lawful for the treasurer of the United States to draw upon any of the said depositaries, as he may think most conducive to the public interests, or to the convenience of the public creditors, or both.

SEC. 11. *And be it further enacted*, That the moneys in the hands, care, and custody of any of the depositaries constituted by this act, shall be considered and held as deposited to the credit of the treasurer of the United States, and shall be, at all times, subject to his draft, whether made for transfer or disbursement, in the same manner as though the said moneys were actually in the treasury of the United States; and each depositary shall make returns to the treasury and post-office department of all moneys received and paid by him, at such times, and in such form, as shall be directed by the secretary of the treasury or the postmaster-general.

SEC. 12. *And be it further enacted*, That the secretary of the treasury shall be, and he is hereby, authorized to cause examinations to be made of the books, accounts, and money on hand, of the several depositaries constituted by this act; and for that purpose to appoint special agents, as occasion may require, with such compensation as he may think reasonable, to be fixed and declared at the time of each appointment. The agents selected to make these examinations shall be instructed to examine as well the books, accounts, and returns of the officer, as the money on hand, and the manner of its being kept, to the end that uniformity and accuracy in the accounts, as well as safety to the public moneys may be secured thereby.

SEC. 13. *And be it further enacted*, That in addition to the examinations provided for in the last preceding section, and as a further guard over the public moneys, it shall be the duty of each naval officer and surveyor, as a check upon the receiver-general of public moneys, or collector of the customs, of their respective districts; of each register of a land office, as a check upon the receiver of his land office; and of the director and superintendent of each mint and branch mint when separate officers, as a check upon the treasurers, respectively, of the said mints, or the persons acting as such, at the close of each quarter of the year, and as much more frequently as they shall be directed by the secretary of the treasury to do so, to examine the books, accounts, returns, and money on hand of the receivers-general of public money, col-

lectors, receivers of land offices, treasurers, and persons acting as such, and to make a full, accurate, and faithful return to the treasury department of their condition.

Sec. 14. *And be it further enacted,* That the said officers respectively, whose duty it is made by this act to receive, keep, and disburse the public moneys, as the fiscal agents of the government, may be allowed any necessary additional expenses for clerks, fire-proof chests or vaults, or other necessary expenses of safe-keeping, transferring, and disbursing said moneys: all such expenses of every character to be first expressly authorized by the secretary of the treasury, whose directions upon all the above subjects, by way of regulation and otherwise, so far as authorized by law, are to be strictly followed by all the said officers: *Provided,* That the whole number of clerks to be appointed by virtue of this section of this act, shall not exceed ten, and that the aggregate compensation of the whole number shall not exceed eight thousand dollars, nor shall the compensation of any one clerk so appointed, exceed eight hundred dollars per annum.

Sec. 15. *And be it further enacted,* That the secretary of the treasury shall, with as much promptitude as the convenience of the public business, and the safety of the public funds will permit, withdraw the balances remaining with the present depositaries of the public moneys, and confine the safe-keeping, transfer, and disbursement of those moneys to the depositaries established by this act.

Sec. 16. *And be it further enacted,* that all marshals, district attorneys, and others, having public money to pay to the United States, and all patentees, wishing to make payment for patents to be issued, may pay all such moneys to the treasurer of the United States, at the treasury, to the treasurer of either of the mints in Philadelphia or New Orleans, to either of the receivers-general of public money, or to such other depositary constituted by this act as shall be designated by the secretary of the treasury, in other parts of the United States, to receive such payments, and give receipts or certificates of deposit therefor.

Sec. 17. *And be it further enacted,* That all officers charged by this act with the safe-keeping, transfer, and

disbursement of the public moneys, other than those connected with the post-office department, are hereby required to keep an accurate entry of each sum received, and of the kind of money in which it is received, and of each payment or transfer, and of the kind of currency in which it is made; and if any one of the said officers, or of those connected with the post-office department, shall convert to his own use, in any way whatever, or shall use, by way of investment, in any kind of property or merchandise, or shall loan, with or without interest, any portion of the public moneys intrusted to him for safe-keeping, disbursement, transfer, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used, or loaned, which is hereby declared to be a felony; and any officer or agent of the United States, and all persons advising or participating in such act, being convicted thereof before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term not less than six months, nor more than five years, and to a fine equal to the amount of the money embezzled.

Sec. 18. *And be it further enacted*, That until the rooms, offices, vaults, and safes, directed by the first four sections of this act to be constructed and prepared for the use of the treasurer of the United States, the treasurers of the mints at Philadelphia and New Orleans, and the receivers-general of public money at New York, Boston, Charleston, and St. Louis, can be constructed and prepared for use, it shall be the duty of the secretary of the treasury to procure suitable rooms for offices for those officers at their respective locations, and to contract for such use of vaults and safes as may be required for the safe-keeping of the public moneys in the charge and custody of those officers respectively, the expense to be paid by the United States.

Sec. 19. *And be it further enacted*, That from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty, the resolution of Congress of the thirtieth day of April, in the year one thousand eight hundred and sixteen, so far as it

authorizes the receipt in payment of duties, taxes, sales of public lands, debts, and sums of money accruing or becoming payable to the United States, to be collected and paid in the notes of specie-paying banks, shall be so modified as that one fourth part of all such duties, taxes, sales of public lands, debts, and sums of money accruing or becoming due to the United States, shall be collected in the legal currency of the United States; and from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-one, one other fourth part of all such duties, taxes, sales of public lands, debts, and sums of money, shall be so collected; and that from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-two, one other fourth part of all such duties, taxes, sales of public lands, debts and sums of money, shall be so collected; and that from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-three, the remaining fourth part of the said duties, taxes, sales of public lands, debts, and sums of money, shall be also collected in the legal currency of the United States; and from and after the last-mentioned day, all sums accruing, or becoming payable to the United States, for duties, taxes, sales of public lands, or other debts, and also all sums due for postages, or otherwise, to the general post-office department, shall be paid in gold and silver only.

Sec. 20. *And be it further enacted*, That from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-three, every officer or agent engaged in making disbursements on account of the United States, or of the general post-office, shall make all payments in gold and silver coin only; and any receiving or disbursing officer, or agent, who shall neglect, evade, or violate the provisions of this and the last preceding section of this act, shall, by the secretary of the treasury, be immediately reported to the President of the United States, with the facts of such neglect, evasion, or violation, and also to Congress, if in session, and, if not in session, at the commencement of its session next after the violation takes place.

SEC. 21. *And be it further enacted*, That no exchange of funds shall be made by any disbursing officer, or agents, of the government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold and silver; and every such disbursing officer, when the means for his disbursements are furnished to him in currency legally receivable under the provisions of this act, shall make his payments in the currency so furnished, or when those means are furnished to him in drafts, shall cause those drafts to be presented at their place of payment, and properly paid according to the law, and shall make his payments in the currency so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par, and so as to facilitate his payments, or otherwise accommodate the public service, and promote the circulation of a metallic currency; and it shall be, and is hereby made the duty of the head of the proper department immediately to suspend from duty any disbursing officer who shall violate the provisions of this section, and forthwith to report the name of the officer, or agent, to the President, with the fact of the violation, and all the circumstances accompanying the same and within the knowledge of the said secretary, to the end that such officer, or agent, may be promptly removed from office, or restored to his trust and the performance of his duties, as to the President may seem just and proper.

SEC. 22. *And be it further enacted*, That it shall not be lawful for the secretary of the treasury to make or continue in force any general order, which shall create any difference between the different branches of revenue, as to the funds or medium of payment, in which debts or dues accruing to the United States may be paid.

SEC. 23. *And be it further enacted*, That it shall be the duty of the secretary of the treasury to issue and publish regulations to enforce the speedy presentation of all government drafts for payment at the place where payable, and to prescribe the time, according to the different distances of the depositaries from the seat of government, within which all drafts upon them, respectively,

shall be presented for payment; and, in default of such presentation, to direct any other mode and place of payment which he may deem proper; but in all those regulations and directions, it shall be the duty of the secretary of the treasury to guard, as far as may be, against those drafts being used or thrown into circulation, as a paper currency, or medium of exchange.

Sec. 24. *And be it further enacted*, That the receivers-general of public money directed by this act to be appointed, shall receive, respectively, the following salaries, per annum, to be paid quarter-yearly, at the treasury of the United States, to wit; the receiver-general of public money at New York shall be paid a salary of four thousand dollars per annum; the receiver-general of public money at Boston shall be paid a salary of two thousand five hundred dollars per annum; the receiver-general of public money at Charleston shall be paid a salary of two thousand five hundred dollars per annum; and the receiver-general of public money at St. Louis shall be paid a salary of two thousand five hundred dollars per annum; the treasurer of the mint at Philadelphia shall, in addition to his present salary, receive five hundred dollars, annually, for the performance of the duties imposed by this act; the treasurer of the branch mint at New Orleans shall also receive one thousand dollars, annually, for the additional duties created by this act; and these salaries, respectively, shall be in full for the services of the respective officers, nor shall either of them be permitted to charge, or receive, any commission, pay, or perquisite for any official service, of any character or description whatsoever; and the making of any such charge, or the receipt of any such compensation, is hereby declared to be a misdemeanor, for which the officer, convicted thereof, before any court of the United States of competent jurisdiction, shall be subject to punishment by fine, or imprisonment, or both, at the discretion of the court before which the offence shall be tried.

Sec. 25. *And be it further enacted*, That the treasurer of the United States be, and he is hereby, authorized to receive at the treasury, and at such other points as he may designate, payments in advance for public lands, the

payments so made, in all cases, to be evidenced by the receipt of the said treasurer of the United States; which receipts so given shall be receivable for public lands, at any public or private sale of lands, in the same manner as the currency authorized by law to be received in payment for the public lands: *Provided however*, That the receipts given by the treasurer of the United States, pursuant to the authority conferred in this section, shall not be negotiable or transferable, by delivery, or assignment, or in any other manner whatsoever, but shall in all cases be presented in payment for lands by or for the person to whom the receipt was given, as shown upon its face.

SEC. 26. *And be it further enacted*, That for the purchase of sites, and the construction of the offices of the receivers-general of public money, by this act directed to be erected at Charleston, South Carolina, and at St. Louis, Missouri, there shall be and hereby is appropriated, to be paid out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars to be expended under the direction of the secretary of the treasury, who is hereby required to adopt plans for the said offices, and the vaults and safes connected therewith, and to cause the same to be constructed and prepared for use with as little delay as shall be consistent with the public interests, and the convenient location and security of the buildings to be erected: *Provided, however*, That if the secretary of the treasury shall find, upon inquiry or examination, that suitable rooms for the use of the receiver-general at Charleston can be obtained in the custom-house now owned by the United States at that place, and that secure vaults and safes can be constructed in that building for the safe-keeping of the public money, then he shall cause such rooms to be prepared and fitted up, and such vaults and safes to be constructed in the custom-house at Charleston, and no independent office shall be there erected.

SEC. 27. *And be it further enacted*, That, for the payment of the expenses authorized by this act, other than those herein before provided for, a sufficient sum of money be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 28. *And be it further enacted*, That all acts or parts of acts which come in conflict with the provisions of this act be, and the same are hereby repealed.

APPROVED, July 4th, 1840.

MR. WOODBURY'S SPEECH,

ON THE REPEAL OF THE INDEPENDENT TREASURY.

JUNE 9, 1841.

Mr. WOODBURY said: It was my misfortune, sir, to be in a minority on the committee which reported this bill. I have heard nothing since to weaken my objections to the repeal of what is called the Sub-treasury, but some things to strengthen them greatly. The die, however, is cast; the Sub-treasury must, I presume, be abolished. But I feel it due to my opinions, expressed in the committee, as well as to friends, and the importance of the question to the whole country, that the reasons for my opposition to this hasty and extraordinary change in a great system for managing the finances for the government, for the whole Union, should be publicly given. I am aware of the impatience felt by the majority for a decision, and shall, therefore, use all possible brevity.

It is difficult to comprehend the causes of so much haste in acting on the present subject. Why repeal what exists till some plan is presented instead of it? Let us have what you consider the bane and antidote before us at once. But, on the contrary, we are in this case asked to destroy an existing system, in full and successful operation, and which would continue to be so, if fairly administered, without expressly presenting any substitute whatever. We pull down our present house, to use the simile of the senator who originated this measure, without a new one elsewhere to reside in, or even a shantee. No, sir, not even a log cabin for shelter till another house is

built. We thus depart, also, from legislative usage in all like cases. The act of June, 1836, in regulating the state bank system, did not repeal the former one till the new regulations could be provided and duly executed. So the sub-treasury act did not repeal the state bank system till the sub-treasury had time to be carried into full force. He challenged gentlemen to cite a precedent for any such rashness as the present. Even in 1816 the public funds were not forbidden to be kept as before, till the United States Bank was chartered and in full operation. We create, then, a sort of dictatorship as to the finances in the President or secretary of the treasury, till some new system is hereafter established by law. We leave the sacred funds of the public, in a period of profound peace, and with no emergency, no urgent necessity impending, to the arbitrary will or caprice of mere executive discretion.

There is no escape from the conclusion as to the lawless expediency which will then reign, unless, by mere construction, some other system is revived by this repeal. The repeal would be on its face uncertain, vague, loose. It cuts loose from the old moorings, and puts to sea with the whole public revenue, without rudder or compass. But it is said that much can be remedied by implication, by construction, by discretion. Then in abolishing the sub-treasury, we abolish what is a system, well considered, and in full force, and we do this for one to exist by implication, and that may mean any thing or nothing, to suit those who administer it—one temporary, not certain in its character, gone into disuse, obsolete, impracticable, and which, if no better is devised immediately, may be fastened upon us for years as the law of the land. I know that repealing a repealing statute, according to an old technical principle, well settled in Blackstone, Bacon, and Coke, revives in force the act existing before the first repeal. We shall have, then, apparently, the act of January, 1836; and bad and impracticable in many respects as that act is admitted by many of them to be, they would justify their course in reviving it, by the apology, that a better system can and will soon be substituted for it.

But are there not more enemies to the sub-treasury, than friends to any particular successor? Can all who vote against the former, unite in favor of a bank like the last United States Bank? Or will all take a fiscal agent, not a bank, and which so many of them have heretofore denounced? Again: will all unite in any improvement of the act of 1836? We know to the contrary; and thus, with the best intentions soon to have some different system, except what will spring up constructively after a simple repeal of the sub-treasury, the country may never get one. Look at the experience on these hopes and good intentions in this very Senate. Last March, we were in such haste to get a public printer acceptable to the majority, that it was deemed necessary, so as to organize, to remove Messrs. Blair and Rives, though fairly chosen, and regular contractors under bond, without their assent, and without a hearing or trial. Yet we are now in the second week of another session, and no successors to them have been chosen, or attempted to be chosen. Did gentlemen at that time dream of such extraordinary delay? The *improved* officers, the *reform* and new organization which was so indispensable then as not to be delayed scarce a day, strangely remains yet unaccomplished. Gentlemen may find troubles, and family schisms and procrastination as to the new *fiscal agent* they intend soon to create, which may lead to even longer delay than has occurred in the appointment of new printers.

In the mean time, this body and the Union may be subjected to the discretion of the President of the United States and the secretary of the treasury in keeping and disbursing the public money, and which the Senate has been subjected to in its chief officers since last March, in respect to its public printing. We have been too often, of late years, forced into this condition of mere construction. Who has done our printing since, and at what price? and by whose direction, and under what law? Nobody, nobody, sir, except under the arbitrary will of our president *pro tem.* and our secretary. Exercised that will may have been discreetly, and doubtless with good intention; but under what law, what constitution, or what

printed rule? Are we then to be governed by star chamber commissions or state circulars? Gentlemen felt much more jealous and sensitive on these subjects of unlimited discretion in 1836, it seems, than now; and the union of the purse and sword, which was then the burden of daily denunciation—that very union they are, by this precipitate repeal, as I shall endeavor soon to demonstrate, they are forewarned, and deliberately, voting to produce. Yes; to produce it for a time, they cannot but admit; and for months, if not years, all will concede is possible, if not probable. To accomplish this union, what is proposed to be previously done?

Independent of the unprecedented manner, what is the substance of our action to be on this occasion? What kind of a system do we abolish—and why? And what kind of a system do we virtually substitute for it? Even for a day, or an hour, as the gentleman from Virginia said yesterday, we should not uselessly leave the public funds to discretion. Is it for the mere whim of change—change—change—and change also for the worse, that we must pass the repeal, and the repeal of a great measure affecting millions of people, and millions on millions of the public treasure?

What are the reasons, then, for action upon it? Why, forsooth, the mover of the measure says no reason need be given. It is a case already decided. The people have returned a verdict against the sub-treasury, and we have come here merely to enter up judgment against the sub-treasury system and its friends.

If this be our position in fact, I hope we shall have the benefit of that gentleman's experience, as well as sympathy, since in 1828, on the same theory of reasoning, the people returned a verdict against a former administration, of which he was a distinguished member. But will he admit now, or did he then admit, that the election settled all the points in discussion before the people, and that a verdict was returned against him and them on all these points? Far from it. We were sent here to examine, to reason, and to decide ourselves on reasons and facts, and not on fancied verdicts.

We came here to do a great public act on behalf of

seventeen millions of people and twenty-six states of this Union. Ought they to do this without duly considering what was the duty required of them? And what must be the effect of their act, whether that effect were temporary or permanent? Without this, they could not act discreetly in abolishing an important existing system. Mr. W. would readily admit, as some gentlemen had suggested, that there had been much talk against the subtreasury, and some arguments during the presidential canvass. It had been greatly abused and grossly misrepresented, but he was not prepared to admit that there had been any verdict of the people against it. Was the repeal or the continuance of this law the only issue made before the people at the late election? Was the result of that election a verdict on that issue alone, and not on others? The senator from Kentucky had, to be sure, said that they came here for judgment—to carry into execution the verdict of the American people; but he would ask that senator again whether the result of that election was to be held as a decision by the people on all the questions which had been discussed before them? If so, how did it happen that they were sitting here in this splendid hall, lighted by the magnificent and costly candelabra, and other splendid decorations now before them? Had it not been decided that there should be no extravagances of this kind, with all its unavoidable expenditure? that gentlemen must not eat out of gold spoons, but must use horn? that the President must live in a log-cabin, and not in a palace? ride on a pony, and not in a coach? that they must not indulge themselves in the luxury of champagne, but must drink only hard cider? Did not the verdict of the people cover all that? It was easy for gentlemen to talk about issues being decided by elections, but he asked, what had been the issue in 1828, and what had been the verdict given then?

The senator had had some experience in such matters, then, as before suggested. Did he believe that the people had passed a verdict on all the questions which had been mooted during that election? No; nor did Mr. W. They had different questions argued then; they had the question about soda water furnished at public expense,

about billiard tables paid for out of the public money, and other grave issues of a very different and high character as to Panama missions, and certain presidential coalitions. Did the senator hold that the people had delivered their verdict on all these points? Why cut out the sub-treasury from all the other subjects agitated at the late election, then, and say that the verdict of the people had been given on that issue? But some of the gentlemen held the doctrine that they were not bound even by express written instructions from their own constituents. Much less, then, were they bound by a verdict given on five hundred issues, given at cross-roads, given at grog-shops, and on the hustings. There was nothing in this argument. It answered very well to talk about for political effect; but the people decided no issues but such as they put on record. The issue they decided was, that they elected this man as their chief magistrate, and not that man. That was an issue by which all were bound, and which all must respect. But the evidence went no further. For that reason it was that he addressed arguments to gentlemen, and entreated them not to throw themselves on imaginary or uncertain verdicts. He asked them what they were abolishing? What were their reasons for abolishing it, and what were the facts of the case?

You propose to annul a system which facts sustain and sound principles justify, however much it has been assailed from Maine to Louisiana, by the gross misrepresentations and wanton libels—caricatures, coarse and obscene songs—stump speeches and log-cabin carousals—all enlisted against it. But in these cooler moments of political strife, all must admit that the sub-treasury, though not so fashionable in its appearance as the marble palaces of some banks, is a plain, honest, straight-forward system. To the admirers of the improved, refined, polished, boasted credit system of recent times, the sub-treasury may not seem to deal so flippantly in millions on paper; but what it has is its own. It does not strut in borrowed plumes, nor does it cast off its clothing if a little old fashioned, or indeed homespun, for the dandy robes and essenced equipments of its rivals—the lovers

of the improved modern modes of growing rich without capital, and on the industry of others.

In its documents and transactions, it may not use all the classical engravings of the Pennsylvania United States Bank, or the Gallipolis bank; but it has always redeemed its promises a little more promptly, and indulged a little less in unauthorized cotton speculations or gambling purchases of stocks; whether in rail-roads, canals, or lithographic cities; and whether on the lakes, the Atlantic, or the Mississippi, or, passing the boundaries of the Union, dabbling in Texan scrip or Mexican bonds. It may be somewhat antiquated. If the sub-treasury be not a new invention, like some of the modern banking, in approved modern style, it has the superior merit of being justified by considerable experience in the world. It was in existence here long in the general government, and in most of the states, with county and town treasurers, as well as with more important ones, and has, substantially, for centuries, been in force in most of the civilized, safe, and flourishing governments of Europe. It is merely a system *to keep*, as the act of 1789 simply provides to *keep* the public money, and not to lend it. To keep it safely till wanted, and not loosely to be squandered in speculations; and to keep it in specie, or its equivalent, so as to have something on hand useful, reliable, and honest, for the payment of debts, instead of being left in the mere rags or fog. This is the true substance of this abused system. Next, it is a system complete in all its parts, and clear in its provisions—well argued—well matured—well guarded—rather than the piebald, uncertain, denounced, and arbitrary system, which must, in the present condition of the banking institutions, virtually succeed to it by this unqualified repeal.

Furthermore, it is a system, above all others, *eminently constitutional*. It is partly developed in that holy instrument itself, and it was one of the first offspring of legislation under it—imperfect and limited then, I admit, but yet essentially the same as now, except more carefully and explicitly regulated now, and suited to our increased territory, numbers, and wealth.

In the next place, the sub-treasury is a system *indepen-*

dent. This has justly been its title, and one of its boasts. It neither creeps nor cringes to corporations or bank directors for aid, but has within itself officers, safes, vaults, and powers, rendering it like the general government as to states, self-moving, self-acting, self-efficient, and thus *independent.*

It is, also, a *system* that can be enforced. It has proved practicable, notwithstanding all prophecies to the contrary, and will continue to prove so, if properly administered, and if such amendments are made in details, not affecting its vital principles, as experience may require. Its fruits thus far have been salutary; its officers are amenable to us, and not to the banks or the states; and their operations are regulated by us, and not by others, over whom we have no control.

It is a system *econonomical.* Its whole expenses yearly, after its operations began, will be scarce half what the new secretary of the treasury proposes indirectly to give a bank of the United States, by borrowing four millions on interest, to be used as a surplus in the treasury, and, of course, to be deposited in his new national bank, to be used there without compensation for loans and accommodations.

It is likewise a *safe* system. Whatever Mr. Ewing may say as to losses in connection with it, he takes special care in his amount of losses, to go back twelve years instead of one year since this system begun. He thus speaks of losses by millions within twelve years, and which must have been under the United States bank system and state bank system. But he does not specify the loss of a dollar under this system alone.

[Mr. CLAY, speaking across, said the accounts have not been yet settled.]

Mr. WOODBURY replied: No losses have yet been made known, and if any existed, or were believed to exist, the powers that be would not be slow in publishing them. The new secretary dwells also on its exposure to robberies, when not one has ever taken place; while within the period of its existence, banks without number have been robbed in all possible ways and to almost all possible amounts. It has been almost a universal

wreck in some states. Just on the eve of our arrival here, and in an adjoining county, one seems to have been robbed of more than the amount of its whole capital. Neither the president, nor secretary, nor the keeper of the money, could touch a dollar of it, except as the law directs, without a robbery and condign punishment. The country has been made to believe wrongfully, that any of these officers could take the money at pleasure, and thus had entire control over the purse.

Nor could the president, secretary, or others, loan a dollar of the public money under the sub-treasury, without danger of fine and imprisonment—without, indeed, being burglars or thieves—and the *penitentiary reclaiming its fugitives.* This was not a system where the funds can be applied to maintain political favorites—or to buy up political presses—or to circulate political speeches and pamphlets—or to fee counsel—or to give salaries of $100,000 to single officers. But under the bank system, its officers could and have taken millions on millions without authority or punishment—and loaned or speculated with it to the four quarters of the globe. Our ears have been almost stunned with the crash of banks around us in every quarter. Scarce a wave floats by us that does not bear fragments of ruin. Indeed, this very bill of repeal contains a high and deserved compliment to the safety of the sub-treasury system, however much questioned by Mr. Ewing, for it re-enacts one of its prominent and much-abused provisions to punish defaults and embezzlements.

Again, how much *safer* is its currency? What would have been the *credit* of the general government the last four years, with United States Bank notes on hand for public payments, *red dog* notes, Brandon bank bills—and all the shinplaster litter? It would have been as low as that of many of the spendthrifts, speculators, and partisan vagabonds, who have assailed it, instead of being as high as any government in the civilized world. What would have been the losses also in its receipts and expenditures with such depreciated trash?

In 1816, by taking such paper, the loss was computed by Mr. Gallatin, to the government alone, at near four

millions: and, by a committee of the House of Representatives in 1832, it was computed at the appalling amount of thirty-four millions.

Another of its excellences is, its comparative freedom from *executive influence.* The distortions of party have however charged and blackened it all over the country with being the reverse in this respect—with what truth and justice, let an impartial examination of the act demonstrate. Not an officer of importance can be appointed under it, without the control and approval of the Senate. But under the other system, the bank that held the money was selected by the secretary of the treasury alone, or by the President alone, without any interference of the Senate. They were changed at pleasure, too, by them, and its officers by the bank directors or bank stockholders. On the contrary, the officers of the treasury could not be changed without the sanction of the Senate. Yet the partisan cry has been, the sub-treasury! increased executive influence! Unfounded. It has diminished such influence in every way.

If the officers can be removed now, *without cause*—and such things seem possible, by the sudden new appointments, since the 4th of March, of receivers-general at Boston, New York, and Charleston—so the banks could have been before this system, or at least their officers could have been, and by stockholders, politicians out of office, as well as by the President? Whether reasons are yet to be given, remains yet to be seen. If they are, or if the Senate does its duty, it will be known whether executive influence is not checked or restrained, instead of being increased. Nobody had been displaced before for these receivers, and no charges whatever have been published against their irreproachable characters.

But more of this power and practice of removal on some future occasion, when we will see how *proscription has been proscribed* by this reforming administration, and how it has put down, among its other reforms, the *rewarding of political partisans by office*—how it has set officers free from fear and favor, *and emancipated them*—how office-holders have ceased to be *pliant creatures* of the executive, and how members of Congress have been ex-

cluded from *executive influence*, by being excluded from any share in the odious *spoils* of office.

Again, as to the comparative influence of the executive out of doors in pecuniary matters under the sub-treasury and former systems; let them come down to facts. Could the executive put his hands into the vaults of the sub-treasury and take out a single dollar without subjecting himself to be sent to the penitentiary? Not a dollar could be drawn out but by warrants and drafts. Neither the President nor his secretary of the treasury could take from its custody enough to buy a pen, nor could they loan out the public money for purposes of speculation or gambling. If they attempted such a thing, they would be convicted of embezzlement and sent to prison. Was this the case under the bank system? Could not the executive, or the secretary, in person or through their friends, be accommodated with loans by a bank of the United States or by the pet banks? Had not the public money been lent in thousands and hundreds of thousands to friends of the bank, both out of Congress and in Congress? But when had a dollar of the public money been loaned under the sub-treasury? The thing could not be done without burglary and theft. And yet, strange to tell, the community seemed impressed with the idea that under that much-abused system the President and secretary of the treasury could take and use for their own purposes just as much of the public money as they pleased. Thus it will be seen that the sub-treasury, in every way, restricted and reduced, instead of increased executive influence; and one of the gorgons conjured up against it before the community turns out to be mere vapor and false glare.

But the sub-treasury system had yet one other and infinitely greater excellence. It did not stimulate the spirit of wild and reckless speculation by loaning out the public money. All such loans were, by that law, strictly prohibited, and it was an acknowledgment and homage paid by the Senator from Kentucky to the excellence of that law, that, bent as he was on destroying the system, he retained this feature of it, and incorporated it in his own bill. That system provided likewise no stimulus

for overtrading. On the contrary, its effect was to subdue and quench that destructive fire which had consumed the prosperity of the country. It kept the public treasure where it could be had when it was wanted. Every receiver-general, every treasurer of a mint, must be ready to pass over every dollar of the funds in his hands on its demand by the government. But was this the case under the bank? Far from it. When the money was most wanted by the government, it was most wanted by the banks also.

On the other hand, it checked instead of stimulating expansions and over-issues. It was calculated to work a slow, but sure reform in banking, in every neighborhood where much public money was collected; because it throws back on the speculating and expanding bank for specie, their excessive emissions of paper.

But, in the next place, he was compelled to look at what must succeed this system when it was destroyed, whether it was temporarily or permanently. What would succeed it temporarily? Nothing was provided in the bill itself, but it was held that the previous law revived *ipso facto*. Now, if the sub-treasury was destroyed, what law would be revived by its repeal? We were to have the act of 1836, with all its acknowledged imperfections in its train. Would this be a better system? Wise men did not pull down one thing to substitute another, unless that other were a better. The act of 1836 was not without some excellences. It contained a provision which restrained the secretary from removing the deposits from a bank where they had been placed, provided that bank continued to redeem its notes in specie; it also forbade the depositing of the public money in non-specie-paying banks, and in banks issuing notes under five dollars. Some approved of it in the abstract, because it was a system regulated by law. When the secretary of the treasury, under President Jackson, had been forced to remove the public deposits from their former depository, as he was authorized to do by an express law, and there existed no regulated system for the safe-keeping of them, he had implored Congress to pass a law for that purpose, and they passed the law of

1836. It had these excellences. But they were countervailed by defects which, in connection with commercial convulsions and foreign oppression, broke it down in twelve months, and it was now a dead letter. One gentleman had suggested that it may have been destroyed by faults in its administration, and not in the system itself. This suggestion had been made before. Mr. W. would not argue whether this were the case or not, but he saw ample cause for its failure without this. It provided that twelve or thirteen millions of what had been deposited in safe banks should be taken out of them and divided among seventy or eighty others, for no other purpose than to give each of them the benefit of its possession. A bank was to be selected in every state, and numbers in some of the states, as no one could hold over a certain ratio to its capital, and the effect was general stimulation of the community to every form of speculation and gambling. The banks were required to pay interest for the money, at least for all they held over a given proportion, and they consented to take the money, obviously because they expected to loan it out. Was not this in itself sufficient to break down any set of banks in the world? Could such an operation be accomplished without infinite distress? To force suddenly twelve or thirteen millions of dollars out of the channels of trade, and to put it in entirely different depositaries, was an operation which Mr. W. insisted to be one true cause of the ruin which followed. That alone was sufficient to account for it; but on the back of this, there was superadded the requirement to collect within nine months 36 millions more, and pay it over to the states. Was it any wonder that the most ruinous circumstances should follow? No; discretion was left to the secretary; the time was fixed by law, and, should he fail to obey, he was liable to be impeached, and was actually threatened with impeachment. This great work he had actually done as to the thirteen millions, and then he had collected nine millions, and then nine more, and deposited it with the states in specie, or in specie worth, and it was emphatically said at the time that every instalment in the payment of this money was a new turn of the screw.

The pressure rose from rheumatism to gout, and from gout to convulsion. All this suffering had been attributed to the executive and to the treasury department, as though it were their wrong, when, in fact, they had but carried out the law of Congress. Then had come, in addition to all the rest, an unexampled recoil from abroad, produced by the course of the Bank of England. American credit was suddenly cut off by millions at a blow, and the distinguished American houses were obliged at once to stop all their open credits. Yet this, too, was charged upon the treasury.

In such a condition, without any fault on the part of the executive, the United States Bank went by the board with the others. The old bills had not all been redeemed in specie to this day. If its charter had been renewed, and the forty millions of public money had then been in its vaults to be drawn out as the fatal act of 1836 imprudently required, it would have been one of the first institutions to suspend specie payments, as it was, without being compelled to disgorge such an immense sum for the government.

No intelligent merchant or financier in the civilized world can be informed of all the facts, undisguised, and arrive at any different conclusions. To illustrate, that it was the collecting and paying over such immense sums, in connection with the other convulsions which prostrated such a system, rather than any thing wrong in its execution, I will trouble the senate with a single anecdote.

In compliance with the requisitions of the law, deposits were made in North Carolina, which carried money out of the usual course of trade. The order to transfer the funds was given in advance, payable in North Carolina. This was strenuously objected to, and the secretary was asked why he did not make the order payable in New York. The secretary was acquainted with the operations of trade, and knew that the order could better be met in North Carolina than in New York, because New York was then drained of specie, and claims might be due to it in North Carolina sufficient to pay it there. But the drawees came to him, and insisted that the drafts should be made payable in New York. He did so, and

the holders immediately went to New York and demanded the specie. The drawees at once saw that by the change they had aggravated the evil, by losing more specie, instead of finding relief; and they entreated that the department would make the future drafts payable, as they had been made originally, in North Carolina. It was, however, the being obliged to part with the public money in such large sums, in so sudden a manner as the laws rendered imperative, that led to embarrassment, and not the form or manner of paying them.

It reminded Mr. W. of the Irishman who was ordered to be flogged, and when he was flogged low down, wanted to be flogged higher up; but when flogged higher up, wanted to be flogged lower down. Mr. W. had been determined to execute the law, cost what it would, and let those who made it be answerable to posterity, that just tribunal whose judgments, though often slow, were ever sure and true. As might naturally have been expected, the newly made deposit banks, flushed with the possession of their twelve or thirteen millions of dollars, speedily disgorged this treasure upon the community, (as the former deposit banks had already done) for they had been obliged to pay interest for it, and were glad to loan it out as soon as possible. The consequence of this, in both sets of banks, had been that the land sales, which usually realized from two to three millions of dollars, were swelled to twenty-four millions in a single year. For the prices of public land, too, were kept low, while all other prices rose, and the banks virtually gave credit for the purchase, instead of the treasury. The banks which had loaned their money to individuals instead of the government, giving credit or loans for the lands as formerly, when called upon by government to pay, could not collect it in, nor what had been lavishly loaned for other speculations and trade, and the natural consequence was, that they all went to wreck—suspension was inevitable. But these lamentable consequences were not to be charged to the administration of the pet bank system, but to the provisions of the law itself. And were gentlemen called upon now to revive such a system as this? Must the secretary of the treasury scatter the

public money among eighty banks, and revive again the scenes of 1836, so far as the public money, diminished, to be sure, greatly in amount—might permit or require?

It was injudicious—almost insane. But this, in truth, would not be the real result of the repeal. The keeping of the money, then, though nominally by the law of 1836, would, in fact and in truth, be cast on the unlimited discretion of the treasury department; for the law having been rendered impracticable by the change of times, the department must necessarily be thrown back on the laws in force before this was enacted. Mr. W. would undertake to say that there could not now be five banks found in the whole United States such as that act required deposit banks to be; and the act itself declared that in such case the treasury must revert to the previous laws, and those previous laws allowed the deposits to be placed in banks which did not pay specie; and to place it there, not merely on special but on general deposit. Nor was this any thing new. This very thing had been done by Secretaries Campbell and Dallas for years together, and it must be done again. The Pennsylvania Bank of the United States could be selected as well as any other, if the department pleased.

There are other consequences which must also follow. The secretary would not merely be compelled to use banks of this description, but he would be stripped of every facility in the business of his department until he did make his selection among the banks, and place the money there. He invited gentlemen to put inquiries to the present secretary of the treasury, and see what answers they would get. The moment this bill became a law, the receivers-general, as such, were dead—the secretary could no longer draw on them. Where must he put his money? What must he do with his drafts? In New York immense sums were coming into deposit at the rate of ten to fifty thousand dollars a day. The secretary could not arrange with a bank to receive this money under less than a week, and in the mean time the collector or the receiver-general might have half a million of dollars under his lock and key, and be at the same time out of office. Who would be liable then? Not his sureties

for the new funds ; their liabilities expired with his office. In the more distant parts of the country, such a state of things might exist for a whole month. That time must elapse before the receiver knew that his office was abolished ; but the secretary here would know it, and could not draw upon him. What, then, must be the result ? In one portion of the country he would draw on collectors ; in another portion he must act under the law of 1836 ; and in still another he must be left at his discretion, under a construction of the old law. Here would be three or four fiscal systems in operation at one and the same time ; and all this state of confusion must ensue because gentlemen would insist upon repealing one plan before they had provided another.

In the mean time, what was to be done with the contracts for building—with the new vaults, books, and furniture ? Where should marshals and district attorneys deposit their collections—often immense ? How should patentees or postmasters get along ? All would be left in chaos. It would be confusion worse confounded. Gentlemen should at least have retained the mints as depositaries, if nothing else, till they got new agents. They should have at least allowed the hardy emigrant from the east on the seaboard, before crossing the mountains, to continue to pay for his land, if he pleased, before he started, instead of carting specie across the Alleganies. What is done with the clause that goes to prohibit any new specie circular ? Abolished. What with the three clerks in the treasury department created under this act ? Abolished. But no more of details.

Another question arose as to what money the treasurer should receive. It was contended that he would be under the act of 1836. If so, then all public dues must be paid in gold and silver. There was not a bank in New England which did not issue or pay out of others bills under five dollars, and the act of 1836 forbid the receipt of any notes of any such banks. He was prohibited from receiving their notes, though redeemable in specie, and therefore, instead of receiving his dues one half in convertible paper and one half in specie, as in the next month, he must have the whole amount in hard money,

or violate his oath. Some gentlemen, indeed, on this side, might like the measure on this account; but would the friends of this bill vote for it in this view of its effects?

They would soon, if no other system was agreed on, begin to reason as on the repeal, that the people had rendered a verdict against specie. Over three fourths of the Union now, and near all of it in 1837—the practice of a majority of the people and of the state legislatures, it will be said, were against specie and the specie circular. The sound sense and strong moral feeling of the people, in many places, have been deluded and persecuted in favor of depreciated paper. It is not merely a vitiated taste, but gambling speculators have made them believe it is for their interest to have a new paper standard, and not the gold and silver Washington and his compeers sought to introduce and perpetuate.

Let me admonish, then, all who hear me, that concerning the currency to be received for public duties in the new state of affairs, and as to any supposed verdict of the people thereon, if Congress adjourned without providing a substitute for the sub-treasury, it would soon be argued and found that the joint resolution of 1816 was not imperative. Its language was not, that paper of a certain description should be taken, but that it *ought* to be taken. Yes; it ought. But supposing the secretary could not get it readily, how then? What had been the argument in 1837 on that point? Shinplasters were then current, and what had been called the ten cent rebellion in Boston had been gotten up, because specie was demanded by the collector. The secretary would say he could not get convertible notes, and the verdict of the people was, that in that case he must take depreciated paper. By this state of things, all specie and specie-paying banks must go by the board. Discretion was said to be the law of tyrants; yet now the treasury was to be let loose again, to use, at pleasure, the paper of non-specie-paying banks; and this the secretary, it would be argued, could not avoid, if he respected public opinion.

But it was said that we should soon have a substitute. Some great fiscal agent was to be provided, or else an old-fashioned Bank of the United States. Mr. W. would not

argue that question; with him the time was gone by; but he would ask the members of that Senate whether they were ready to repeal the existing law, to re-establish such an institution as the old Bank of the United States? If they were, very well; but he could not yet tell whether such a plan had been matured and was to be presented. Why not wait till then, and see whether a majority of this body will take an institution instead of a sub-treasury, which has been condemned by most of the democratic fathers of the constitution—which the present President himself concedes has been condemned by the people—which has been condemned by experience as well as reason—which has no power to resist suspensions and enormous losses, and which a few years ago, after becoming *better and stronger* by a new state charter, and getting *rid of a bad partner* in the general government, as its chief officer declared, has since blasted the livelihood of thousands of widows and orphans, and, in the opinion of many, covered the whole country with infamy and ruin? Do gentlemen wish to abolish the sub-treasury for such a bank? Do they wish to give congressional sanction at home and abroad to such enormities?

Next: do the west and south-west want the still *lower prices*, and ruinous sacrifices of property, caused by putting such a bank in operation from 1817 to 1820? Let gentlemen read the history of that era, and they will pause. They are seeking the wrong remedy for the existing disease, as he would hereafter attempt to show on some other occasion. It was said, however, that we were to have a bank that would not be unconstitutional; it was to be free from all objections of that kind. He was glad to hear it: but what was the plan? Had not gentlemen better wait till they saw whether it did avoid all constitutional difficulty or not? Surely they would act thus in their own affairs; why not in the affairs of the public? What was this bank to be? If it was to be a mere fiscal agent not incorporated, then it was a government bank; and he said to gentlemen that, by their declarations and opinions, they were abolishing just such a bank, though without the name. All they had to do was to call the sub-treasury a fiscal agent, and the thing would be,

by their reasoning, effected. Was this any thing new? Had not gentlemen contended that the bill of 1840 went to create a treasury bank? Yet they were now for destroying that, only to make another. Here Mr. W. quoted the title of a speech by Mr. CLAY in 1840, which he held in his hand, in which the sub-treasury was denominated a *government bank, of which the President of the United States was to be president, cashier, and teller.* All they had to do was to give the secretary power to issue small drafts, and the sub-treasury would be a government bank, according to the reasoning of this speech.

Mr. CLAY here interposed to inquire of Mr. W. whether he rightly understood him as now admitting that the sub-treasury was a bank.

Mr. WOODBURY replied in the negative. Your speech had represented it as a bank only under the supposition that the secretary could cut up his drafts into small sums, and use them as bank notes.

Mr. CLAY. Well, and could he not do it?

Mr. WOODBURY. He did not do it. I admit that the argument itself is a fair one, but he did not do it, nor could it have been done without sanction of law; nor was it ever intended to be done, uuless required by Congress to do it.

It would then be only a bank of circulation, but not one of deposit for individuals, nor one of discount at all; which last kind of bank was made, and especially a national one, so open to politic favoritism and corruption.

I will not, on this occasion, detain the Senate longer, and did not intend at this time to say half so much.

DUTIES OF AMERICAN CITIZENS

BY HON. LEVI WOODBURY.

[AN EXTRACT.]

WHILE meditating upon our own astonishing progress, as developed in history, and discriminating with care the origin alike of our perils and securities as a people, does it not behove us to weigh well the importance of our present position? Not our position merely with regard to foreign powers. From them we have, by an early start and rapid progress in the cause of equal rights, long ceased to fear much injury, or to hope for very essential aid, in our further efforts for the thorough improvement of the condition of society in all that is useful or commendable. Nor our position, however the true causes may be distorted or denied—our elevated position, in prosperity and honorable estimation, both at home and abroad. But it is our position, so highly responsible, as the only country where the growth of self-government seems fully to have ripened and to have become a model or example to other nations; or, as the case may prove, their scoff and scorn.

To falter here, and now, would, therefore, probably be to cause the experiment of such a government to fail forever. It is not sufficient, in this position, to loathe servitude, or to love liberty with all the enthusiasm of Plutarch's heroes. But we must be warned by our history how to maintain liberty; how to grasp the substance rather than the shadow; to disregard rhetorical flourishes, unless accompanied by deeds; not to be cajoled by holiday finery, or pledges enough to carpet the polls, where integrity and burning zeal do not exist to redeem them; nor to permit ill-vaunting ambition to volunteer and vaunt its professions of ability as well as willingness to serve the people against their own government—any more than demagogues, in a rougher mood, with a view to rob you, sacrilegiously, of those principles, or undermine, with insidious pretensions, those equal institutions which your

fathers bled to secure. Nor does true reform, however frequent in this position, and under those institutions, scarcely ever consist in violence, or what usually amounts to revolution, the sacred right of which, by force or rebellion, in extreme cases of oppression, being seldom necessary to be exercised here, because reform is one of the original elements of those institutions, and one of their great, peaceable, and prescribed objects. However the timid, then, may fear, or the wealthy denounce its progress, it is the principal safety-valve of our system, rather than an explosion to endanger or destroy it. We should also weigh well our delicate position as the sole country whither the discontented in all others resort freely, and, while conforming to the laws, abide securely; and whither the tide of emigration, whether for good or evil, seems each year setting with increased force.

When we reflect on these circumstances, with several others, which leisure does not permit me to enumerate; and when we advert to some of the occurrences in our social and political condition, within the few last years, appearing worse, it is feared, than the slight irregularities and outbreaks of great freedom, on such periodical excitements as elections; and looking rather, in some cases, like more grave departures from legal subordination, and attended, as they have been, on different occasions, and in different quarters, by no feeble indications of obliquity of principle, in morals as well as politics, evinced by violent aggressions, not only on person and property, but the rights of conscience and of free discussion—while we see all this, what does our delicate and peculiar position teach, as to the perils of American liberty? What warning spirit breathes from those events? What inferences should philosophy and our sober judgments draw from their history?

Is it not manifest that the danger now to be guarded against is one arising rather from too little than too much control on the part of the government; too little rather than too much reverence for the constitution, the supremacy of the laws, and the sacredness of personal rights as well as those of property; and if not an undue homage to mere wealth still too great presumptuousness from the

enjoyment of such unexampled prosperity? Looking higher and deeper, is there not seen, also, too much indifference beginning to be entertained in some quarters, with regard to the perpetuity of the Union?—that political marriage of the states, upon which, like that of our first parents, "all heaven and happy constellations shed their selectest influence." Does there not exist too great an apathy respecting our imperative and lofty duty not to disappoint, in any way, the aspirations and the confidence of the patriot or the philanthropist, in every country directed towards us for the conservation of all the best hopes of the human race? Suspecting, then, some such evil tendencies—feeling such doubts, and fearing such dangers, what do our annals point out as the true republican remedy to check them? Not, we trust, a revival—in substance any more than in form—of the stronger arm of monarchical power which preceded the Revolution. By no means. Not, in any crisis, rushing for preservation from outrage or for rescue from anarchy and licentiousness to stronger systems of government—to what, it is hoped, we all deprecate and dread in unnecessary restraints on individual liberty and more arbitrary establishments, under the pretence of aids, though in reality often the most dangerous weapons wielded by the arm of civil power. Never, never. Nor yet a change in our codes of law, harshly increasing their severity, conferring unequal privileges or perpetuating exclusive powers, at the expense of the birth-right and liberties of others. Nor an elevation of property and its possessors to greater dominion over the rights of persons, when its strides have already been so colossal, and its influence so overwhelming.

Neither ought we to indulge in despondency, however apprehensive, with the great blind bard of modern times, that, in some respects, we "have fallen on evil days and evil tongues;" and however conscious that, as a people, we are not entirely free from foibles, errors, and crime, in this erring world, and have not been able to reach every excellence as a nation, or to mature every political security of which our constitutions are susceptible, in the brief period of about half a century.

On the contrary, it behoves us to look our perils and difficulties, such as they are, in the face. Then, with the exercise of candor, calmness, and fortitude, being able to comprehend fully their character and extent, let us profit by the teachings of almost every page in our annals, that any defects under our existing system have resulted more from the manner of administering it than from its substance or form. We less need new laws, new institutions, or new powers, than we need, on all occasions, at all times, and in all places, the requisite intelligence concerning the true spirit of our present ones; the high moral courage, under every hazard, and against every offender, to execute with fidelity the authority already possessed; and the manly independence to abandon all supineness, irresolution, vacillation, and time-serving pusillanimity, and enforce our present mild system with that uniformity and steady vigor throughout, which alone can supply the place of the greater severity of less free institutions. To arm and encourage us in renewed efforts to accomplish every thing on this subject which is desirable, our history constantly points her finger to a most efficient resource, and indeed to the only elixir, to secure a long life to any popular government, in increased attention to useful education and sound morals, with the wise description of equal measures and just practices they inculcate on every leaf of recorded time. Before their alliance the spirit of misrule will always in time stand rebuked, and those who worship at the shrine of unhallowed ambition must quail. Storms in the political atmosphere may occasionally happen by the encroachments of usurpers, the corruption or intrigues of demagogues, or in the expiring agonies of faction, or by the sudden fury of popular frenzy; but with the restraints and salutary influences of the allies before described, these storms will purify as healthfully as they often do in the physical world, and cause the tree of liberty, instead of falling, to strike its roots deeper. In this struggle, the enlightened and moral possess also a power, auxiliary and strong, in the spirit of the age, which is not only with them, but onward, in every thing to ameliorate or improve. When the struggle assumes the form of a con-

test with power in all its subtlety, or with undermining and corrupting wealth, as it sometimes may, rather than with turbulence, sedition, or open aggression, by the needy and desperate, it will be indispensable to employ still greater vigilance; to cherish earnestness of purpose, resoluteness in conduct; to apply hard and constant blows to real abuses rather milk-and-water remedies, and encourage not only bold, free, and original thinking, but determined action. In such a cause our fathers were men whose hearts were not accustomed to fail them through fear, however formidable the obstacles. Some of them were companions of Cromwell, and embued deeply with his spirit and iron-decision of character, in whatever they deemed right: "If Pope, and Spaniard, and devil, (said he,) all set themselves against us, though they should compass about as bees, as it is in the 18th Psalm, yet in the name of the Lord we will destroy them." We are not, it is trusted, such degenerate descendants as to prove recreant, and fail to defend, with gallantry and firmness as unflinching, all which we have either derived from them, or since added to the rich inheritance.

New means and energies can yearly be brought to bear on the further enlightening of the public mind. Self-interest, respectability in society, official rank, wealth, superior enjoyment, are all held out as the rewards of increased intelligence and good conduct. The untaught in letters, as well as the poor in estate, cannot long close their eyes or their judgments to those great truths of daily occurrence in our history. They cannot but feel that the laws, when duly executed, insure these desirable ends in a manner even more striking to themselves and children, drudges and serfs as they may once have been, than to the learned, wealthy, or great. They see the humblest log-cabin rendered as secure a castle as the palace, and the laborer in the lowest walks of life as quickly entitled to the benefit of a *habeas corpus* when imprisoned without warrant of law, as the highest in power, and assured of as full and ready redress for personal violence, and of indemnity as ample for injury to character or damage to property. Not a particle of his estate, though but a single ewe-lamb in the western wilderness, or the most

sterile acre on the White Mountains, can be taken away with impunity, though by the most powerful, without the voluntary consent of the indigent owner, nor even be set apart for public purposes, without the same necessities and the same just compensation awarded as in case of the greatest.

To any man thus situated, any thing agrarian about property would be as ruinous, looking to the prosperity of himself and to his family in future, as it would be to the wealthy now. Political and civil rights being made equal, it becomes much better, no less for the poor but well-informed and enterprising, than for the cause of society and virtue at large, as well as the present safety of the rich, that the future acquisitions of property, power, and honor, should all generally be rendered proportionate to the future industry, good conduct, and improved talents of every individual.

Thus labor and capital here are made to have but one true interest, and to find that "self-love and social are the same."

The scourges of avarice, in its too great voracity for wealth or capital, will always be the irregular depredations on it of labor, if left badly paid or badly taught, and the true blessings of labor will be its honest and timely acquisitions of capital, if made able to learn and practise its appropriate duties as well as rights. Then, though steadfast and zealous in resisting the seductions of power, the timidities of sloth, the effeminacy of luxury, and the mercenary, sordid spirit of mere gain, the working classes will, at the same time, be careful to shape and crowd forward all their claims in subjection to order, and in the safe channels of law and well-regulated liberty.

It would hardly be necessary to advance any further arguments deduced from our history in proof of the peculiar importance, or indeed vitality, of sound morals, as well as sound education, in such a government as ours, at all times, and more especially in periods of increased peril. They, indeed, always constitute a power higher than the law itself, and possess a healthy vigor much beyond the law. Nor, under our admirable system, does the promotion of morality require any, as mere citizens,

to aid it, through political favor, to the cause of any particular creed of religion, however deep may be our individual convictions of its truth or importance beyond all the world can give or the world take away. Our public associations for purposes of government now wisely relate to secular concerns alone.

Surely, any of us can be the worthy descendants of the Puritans without being, after the increased lights of two hundred more years, puritanical, in the indulgence of bigotry, or in placing any reliance on the dangerous and it is hoped exploded union of church and state for public security.

On the contrary, the progress of temperance, the improvement in household comforts, the wider diffusion of knowledge as well as of competency in property, and the association, so intimate and radical, between enlarged intelligence and the growth of moral worth and even religious principle, with the advantages all mutually confer and receive, constitute our safest dependence, and exhibit a characteristic, striking, and highly creditable to our whole country, as well as in some degree to the present age. If, constantly reinforced by those exertions of the enlightened, the virtuous, and the talented, which they can well spare, and which duty, honor and safety demand, they seem to encourage strong hopes that the arm of the law will not hereafter be so often palsied by any moral indifference among the people at large, or in any quarter, as to its strength to guide as well as hold the helm.

At such a crisis, therefore, and in such a cause, yielding to neither consternation nor despair, may we not all profit by the vehement exhortations of Cicero to Atticus: "If you are asleep, awake; if you are standing, move; if you are moving, run; if you are running, fly."

All these considerations warn us—the grave-stones of almost every former republic warn us—that a high standard of moral rectitude, as well as of intelligence, is quite as indispensable to communities in their public doings as to individuals, if they would escape from either degeneracy or disgrace.

There need be no morbid delicacy in employing on this subject a tone at once plain and fearless. Much of

our own history unites in admonishing all, that those public doings should be characterized, when towards the members of the same confederacy, not by exasperations or taunts, but by mutual concessions, in cases of conflicting claims—by amicable compromises where no tribunal is provided for equal arbitration—by exact justice to the smallest as well as to the largest state; and, through all irritations and rebuffs, the more bitter often because partaking of the freedom of their family origin, by an inflexible adherence to that spirit of conciliation, and to that cultivation of harmony, through mutual affection and mutual benefits rather than force, which, honorable, if not always honored, formed and has hitherto sustained our happy Union.

INAUGURAL SPEECH OF GOV. MORTON,

OF MASSACHUSETTS,

JANUARY 22, 1840.

Fellow-Citizens of the Senate,
and of the House of Representatives:

In obedience to the declared will of the people of this commonwealth, I enter upon the duties of the office of their "supreme executive magistrate." And I seize the earliest opportunity to express the feelings of gratitude, with which their unsought suffrages have filled my breast. But I should do them, as well as my distinguished predecessor injustice, did I impute their choice to personal preference. Their purpose was higher and holier. It was the better establishment and the more perfect development of a great principle of civil polity—a principle founded in humanity, guided by benevolence, and looking to the ever progressive improvement and happiness of the whole human family—the democratic principle, which ever seeks to protect the weak, to ele-

vate the depressed, and to secure the just and equal rights of all—a principle, which is in harmony with pure religion, that establishes the love of God as the first law of morality—a principle, which, by listening to the voice of reason as it breathes through the people, bows reverently before the dictates of justice, while it spurns at the despotism of man—a principle, which gives the highest security to property, by giving security also to labor, in the enjoyment of the fruits of its own industry—a principle, which is free from envy and narrow jealousy, and cheerfully acknowledges the benefits of cultivated intelligence and of experience, while it respects, as the paramount fountain of freedom and order, the collective will that includes all the intelligence of the community,—the will of the people.

That so many of my fellow-citizens have, for so long a time, thought me worthy to be, in their judgment, the representative of such a principle, excites the deepest sensibility of my heart. If I may be able in any degree to carry it into practical operation, by reforming any abuses which may have crept into our system, or by guarding against the partial or inequitable action of any department of the government, I trust that I shall not wholly disappoint their reasonable expectations. Fidelity to the principle, and the devotion of my best powers to its full and fair execution, I freely pledge. In fulfilling this pledge with firmness and moderation, I shall always endeavor duly to regard the wishes, opinions, and rights of all.

We should not assume the high responsibilities of our respective stations, without a grateful and reverential acknowledgment of the unmerited mercy and bounty of that Providence which has vouchsafed to the people of our commonwealth an unusual degree of health and prosperity, and to the whole of our country a great abundance of the productions of nature and art. Never before did the earth, throughout our widely extended borders, in all its various products, yield so much for the use and sustenance of man. And if portions of our fellow-citizens are suffering from pecuniary embarrassments, or a derangement of the usual channels of business, it is not imputable

to any diminution of the exuberant resources of our country, nor to any radical defects in the structure of our government; but to the unjust and unequal action of our systems of currency; to that wild and reckless spirit of speculation which discourages honest industry and impoverishes many, while it enriches very few; and to those habits of individual extravagance, which wastefully consume the common stock, while they produce private profligacy and wretchedness. The benignant action of the laws of nature should teach us our dependence upon their Author; and the short-sighted and self-destructive devices of man should lead us to distrust our own powers, and to seek direction from the only true source of wisdom.

There is no branch of sovereign power more important, or more difficult to be exercised, than the regulation of the currency. It extends to all the relations of life, and reaches the personal interest of every man in the community. The great and leading object of government ever should be, to establish and maintain a uniform and unchangeable measure of value. Every change in the common standard of value, whether it be caused by acts of the government, or of individuals, creates injustice. It affects inequitably all the relations of society, and infringes private rights. Every contract should be considered inviolable. Its obligation was deemed worthy of the special guaranty of the constitution of the United States. And yet every change in the currency, by increasing or diminishing circulation, essentially varies the obligation of contracts, and unrighteously affects the relation of debtor and creditor. An inflation of the currency diminishes the value of the circulating medium, enhances prices, and thus enables the debtor to discharge his debts with less intrinsic value than he contracted to pay. So a contraction produces an opposite effect, and enables a creditor to collect, for his debts, a greater value than he agreed to receive. These two conflicting interests would seem to balance and to neutralize each other. But in their influence upon society, such is not the fact. Debtors, especially those deeply involved, are stimulated to make strong efforts to inflate the currency, that they

may have the benefit of enhanced prices, and extinguish their obligations with the least possible value; while creditors and capitalists, often, deluded by the apparent increase of their wealth, support measures which, though they diminish the intrinsic value, yet swell the nominal amount of their property.

Fluctuations in the currency excite a thirst for speculation, and furnish the means of its gratification. They stimulate an inordinate desire for the sudden acquisition of riches, and by a few instances of success, divert many from the pursuits of honest industry. They produce habits of reckless extravagance and wasteful profligacy. And what is most of all to be regretted, the consequent depreciations and losses fall principally upon those who did not contribute to create them, and who, by the very nature of their useful occupations, are deprived of the power of guarding against their injurious and unjust effects.

It should, therefore, be the high aim and the unceasing effort of government to protect its members from such calamities. The difficulty of the duty has been felt in all civilized society, and under every form of government. But the nature of our complicated system adds new obstacles to its successful accomplishment. Twenty-six sovereignties, acting independently of each other, under very little restraint from the common government, and influenced by different interests and circumstances, can hardly be expected, in creating and maintaining a currency which to some extent should be common to all, to act with unity of purpose and harmony of measures. Even some degree of emulation to increase the circulation, which it should be the duty of each to restrain within reasonable limits, will naturally if not necessarily arise.

These complicated difficulties were understood and fully appreciated by the patriotic statesmen who formed our federal constitution. Their minds had been awakened to the momentous importance of the subject by the distress and embarrassment in which a fluctuating and depreciating paper currency had involved both government and people. And, when, in an organic law of the

body politic, they had empowered the general government "to coin money, regulate the value thereof and of foreign coins," and had forbid any state "to coin money, emit bills of credit, or make any thing but gold and silver a tender in payment of debts," they supposed that they had invested the former with all the authority necessary to the proper administration of this branch of sovereign power; and had imposed upon the states all the restraints compatible with their sovereign and independent characters, and all that would be needed to secure the people against a recurrence of those abuses and evils from which they had suffered so much. But it is very manifest, that in the practical construction and operation of these provisions, all the benefits which were expected from them have not been realized. Although the several states are prohibited from emitting "bills of credit," yet practically they have the power of incurring debts and of issuing evidences of them, which answer some of the purposes of a circulating medium, and of establishing banks with authority to issue bank notes, which constitute a large portion of our currency.

These powers possessed by the several state sovereignties require, in their exercise, forbearance, caution, moderation, and patriotism. Although a system of credit is indispensable in every civilized community, and especially among a mercantile and enterprising people, yet its utility depends upon its proper regulation and restriction. And while government should preserve its purity, by defining individual liabilities and contracts, and securing their prompt and faithful fulfilment, it should leave the system itself to private responsibility and enterprise. Any direct interference, by the government, in ordinary business transactions, either by participating in the profits, or by granting to individuals immunities or privileges, is an interruption of that free and equal competition which should be open to every individual, and a departure from that even-handed justice, which, like the blessings of heaven, should descend alike upon all. In a country like ours, where a spirit of daring adventure carries our people beyond their means, and stimulates them to stretch credit to its utmost tension, a system of restriction and

moderation, rather than encouragement and stimulation, should be recommended.

The experience of all ages and nations shows, that no circulating medium can be established and maintained at a uniform rate, unless it possess intrinsic value. Any other will inevitably depreciate. Neither the firm resolves of patriotic communities, nor the legislative enactments of free republics, nor the imperative edicts of despotic power, can sustain any other standard of value. The laws of trade can no more be controlled than the laws of nature.

It is the worst feature of unequal legislation, that while it creates separate interests, eager for its preservation and defence, it so infuses itself into the affairs of the community, that reform itself becomes painful, and a sudden change of policy proves disastrous, even to those whose wrongs it would redress. If a simple repeal of a bad law were sufficient to heal the evils that may have sprung from it, the work of legislation would be easy and agreeable. But experience, which has awakened public attention to the vices of our financial system, is obliged also to recognize its existence. Under the operation of this system, and notwithstanding its evils, we have grown in wealth, and have enjoyed an extraordinary degree of prosperity. The system has become incorporated into our code, affects all private contracts, and has an influence on all the business of life. Its sudden abolition would produce incalculable mischief, and greater injustice and suffering than that for which a remedy is sought. Besides, in the recent loss of credit, submitted to by many of the banks in the Union, the banks of Massachusetts have remained true to their engagements. I therefore recommend no precipitate action; I would counsel no rash change. For any fundamental action on this subject I would even advise delay, till the measures of the general government with regard to the collection and disbursement of the national revenue, shall be definitely settled. In return, I would call upon you all, by the importance of the subject, and the deep, long-tinuing, and increasing disasters that must follow a mistaken course, to join in preparing a wholesome reform,

and in erecting stronger barriers against impending evils; if, indeed, the banks which exist by grants from the legislature have not already grown too powerful to be controlled.

If we carefully analyze the distresses which have pervaded our financial world, and search in our banking system for the radical infirmities from which they have sprung, I believe they may nearly all be traced to two essential vices. The first is its character of monopoly; the second is its too wide expansion and departure from the specie basis, leaving not sufficient specie in circulation for the security of a uniform currency.

A bank charter partakes of the nature of a monopoly. It confers powers and rights valuable to the corporators, and important to the public, from the enjoyment of which others are excluded. The authority to issue paper promises for circulation, and to transact other business, "on banking principles," is one of the "particular and exclusive privileges, distinct from those of the community," which is an essential element of monopoly. Were these powers and privileges conferred only upon one individual or corporation, the exclusive nature of the grant would, at once, show its unreasonableness and injustice. The multiplication of charters and the compensation received for them, may diminish their character of exclusiveness, but will not change the nature of the grant. And while they may mitigate some of the evils, they will increase the strength and danger of others.

A monopoly is, in the first place, an injustice; it is counter to the democratic principle, which can alone give vitality to our institutions. A monopoly cannot rest on the doctrine of equality. It must, however, be conceded that the profusion with which bank charters have been lavished, has, at least, taken from them any special value, nor is it believed that the regulation of the banking system by a general law would create any large accession of competitors to the existing banks. The great evil of the monopoly does not, in this commonwealth, lie in the exorbitant value of the privileges conferred. But the act of special legislation, which creates a bank, does, in some measure, imply a pledge of the state in favor of the institu-

tion. The state calls it into existence. The men who contribute its capital, whether real or nominal, are not alone responsible for it. By granting a charter to individuals, the state declares that in the opinion of the legislature, the object of the corporators is praiseworthy, and deserves encouragement. The consequence of this is obvious. The legislature continues the guardianship of the institutions which it creates. Now the true object of the legislature should be, not to favor the bankers, but to protect those who hold their promises. To this end, the legislature ought not to share the responsibility of creating them. If they must exist, let them spring up under the action of general laws; and let the legislature select, for its special object, the enforcement of their contracts. The legislature ought not, directly or indirectly, to give its assurance that a promise on paper is really convertible into and equal to specie. If a bank issues such a promise, let the bank see to it that the promise be kept; and let the legislature see to it that neither corporation nor individual be allowed to break a promise with impunity.

And here I cannot but express an apprehension that all systems which, whether under a general law or under special acts, shall have the effect to pledge the faith or the opinion of the government, in favor of the responsibility of banks, will be essentially faulty. A general law compelling banks to deposit securities with an officer of the government, whether treasurer or comptroller, must have the effect to convey to the people the idea that the securities thus deposited are, in the opinion of the government, sufficient. If I am right in considering this indirect pledge of the public confidence as one of the radical vices of our system, you will perceive that I cannot consistently recommend a system which would, it is true, change the form of the pledge, but would in reality renew it in a stronger form than before. A promise must rest on the ability of those who make it, and in the determination of the government to preserve the inviolability of contracts. The legislature ought to take upon itself nothing but the preservation of that inviolability, and for that reason ought not to be checked in its course by such sentiments as would naturally arise in behalf of institu-

tions towards which it had already shown itself favorable, by departing from the rules of equality in creating them.

The vice of monopoly in our system has another evil. It separates the banks from the action of general laws, and binds them together by the nature of special legislation, in giving to them peculiar privileges and interests. Nay, we have seen banks themselves holding conventions, and usurping the power to decide when, and under what circumstances they would recognize the validity of their own promises to pay on demand; and, relying upon their claim for exemptions and indulgences, publicly discussing the policy of an honest fulfilment of their obligations. A strong, concentrated, and united interest is thus made to operate, not only upon public opinion, but upon legislation itself. In proof that this has been the case, I need but refer to your own journals. While I perceive that the suspension of specie payments, by the banks, was, by a large majority, declared a breach of their charters, involving a liability of their forfeiture, it is with grief I read there a law justifying, on the part of the banks, the suspension of specie payments, by a virtual repeal of its penalties. It was enough for the public to have exercised a voluntary forbearance. If my view is just, it was the duty of the legislature, if it interfered at all, to have interfered for asserting the inviolability of contracts. But such is the vice of monopoly; it wins to its defence the power that gave it being; and all the interests involved in it, act with unity in protecting themselves against the laws to which individuals cheerfully submit. I am fully persuaded that there is danger that this sympathy on the part of the legislature will continue till the character of monopoly is done away. I have a conviction that we never shall be safe against bank suspensions, till suspension and bankruptcy are held to be synonymous; till the idea of bank conventions and bank concert be abandoned, and each bank shall for itself individually resolve always honestly to keep its promises. It is so in the mercantile world. Each merchant acts for himself. In reference to this branch of the subject, the true remedy is obvious. By re-

moving the character of monopoly, each bank would lose the apparent endorsement of the commonwealth, and would be thrown on its own resources to stand or fall, as its own integrity might require.

The second essential vice of our system—its great expansion, and the wide introduction of paper as the exclusive currency for sums as small even as one dollar—is one to which the attention of Massachusetts ought especially to be directed. We are a manufacturing and commercial people; and we have been suffering from a system of hostility to American industry. It is not when considered as a domestic question, that this evil in our banking system presents its worst aspect. It is when we contemplate our relation to foreign states, that we are made fully sensible of the cause of our sufferings. Our currency, except for the small sums required for change, is composed wholly of paper. Very little gold circulates among us. Even silver dollars have almost disappeared from the currency. Their place is taken by paper. Now this paper pretends to be convertible into, and equal to, specie; but the experience of the few last years has proved that, as an aggregate, it is not. The great expansion of the credit system raises prices to an unnatural height,—far exceeding what would be possible in countries like England and France, where gold and silver form so large a portion of the currency. The foreigner is, therefore, by the instinct of interest, induced to flood this country with the products of foreign industry. What avails a tariff, even a high tariff, of protection? The unreasonable rise in prices more than countervails the imposts for revenue. At home, public opinion favoring a paper circulation, the paper remains in the hands of the people. The foreigner has less delicacy; he converts his paper into specie and exports it. This always happens when a paper currency is redundant. Such a redundancy always occasions large importations from abroad, and the consequent export of the precious metals. This effect is as certain as the laws of nature. But worse follows. The export of the precious metals brings with it, of necessity, a contraction of the currency. Bills run home upon the banks; prices fall; collections are

difficult; and then, when our own merchants and our own manufacturers are suffering under the depression, and really need additional use of credit, far from being able to obtain it, they find the banks themselves entering the money market, and instead of being money-lenders, borrowing for their own purposes all the money they can reach. The pressure from which we have just been suffering for months, grew out of the fact that banks of very large capitals, in some of the commercial cities, as well as many banks in the interior, were earnestly seeking to borrow. The merchant, the manufacturer, were driven from the competition by the banks themselves. So dangerous are banks of circulation! So fraught with peril is exclusive reliance upon paper for the currency! Its influence is baneful to American industry, and it brings the greatest distress upon those who rely upon it the most.

The consideration of these fatal consequences to domestic industry and personal credit, has led many to the apprehension that the use of a paper currency, for the purposes of ordinary circulation, is attended with more evils than benefits; and that banks have their appropriate office in facilitating the larger exchanges of commerce, rather than in furnishing a circulating medium for the smaller payments of business. Without attempting to decide the abstract question, it is now an acknowledged truth, sanctioned by men of business of the most opposite political sentiments on other subjects, that our system of paper circulation has been carried too far. Perhaps it will seem to you the dictate of prudence to await the action of the federal government on the revenue system, before attempting a reform; but I cannot forbear expressing to you my belief, that the suppression of small bills and the consequent supplying of their places with gold and silver in the hands and in the pockets of the people, would essentially diminish the dangers of bankruptcy on the part of the banks, and of losses on the part of the people; would protect the public against the evils of depreciated currency, and lessen the chances of loss to the stockholders in the existing banks. Above all, it would have a tendency to give stability to our manufactures,

and in connection with the independent treasury, would found their prosperity on a rock.

It is in this view that I regard the great and leading measure of the present national administration as fraught with benefits to the whole Union; but most of all, to Massachusetts. The protection afforded by a high tariff, smugglers will evade, or inflated prices will render nugatory. A moderate revenue, steady prices, cash duties, these are the true safeguards to domestic industry. Should the system of the independent treasury be established, its beneficial effects will raise to its support the voice and the convictions of the shrewd, intelligent, and sharp-sighted manufacturers, whose industry and skill are the just pride of New England.

We have been elected, and are now assembled, to transact the business and promote the welfare of the commonwealth. Collectively, we represent the whole people, and it should be our chief duty to make laws for the benefit of the whole. Our legislation, like light and air, and the dews of heaven, should fall equally upon all. A recurrence to our legislative history will show how small a proportion of our labor is given to the public, and how much to individuals. Of the nine hundred acts which were passed in the last four years, seven hundred fall under the denomination of "special laws," while not over two hundred were "general laws." And, as might naturally be expected, a still greater proportion of the resolves are of a private nature. There are undoubtedly cases involving private interests, which deserve and should receive the attention and the action of the legislature. But surely it should not be our principal employment to enact "special statutes." It also appears that some of the private acts are passed for the purpose of exempting particular cases from the operation of general laws. I need not suggest that such legislation is fraught with danger. This body is not favorably constituted for the investigation of private claims, and is liable to be misled by the representations and importunities of individuals complaining of the unjust and severe application of general rules. In "a government of laws," the laws themselves should be general and just, and should be allowed to have a free and

equable course, uninterrupted by the interference of any department of government.

Of the special acts above referred to, more than one half relate to corporations. One of the vices of the present age, stimulated by extravagance, and a thirst to acquire property without earning it, is a desire to transact ordinary business by means of charters of incorporation. These are supposed to possess advantages and to confer facilities for the transaction of business and the acquisition of wealth. They are often used for purposes of speculation, and sometimes of deception and fraud. It may well be doubted whether they bestow the benefits expected from them. But if they really do confer "particular and exclusive privileges," it constitutes the strongest objection to their enactment.

Municipal, parochial, literary, benevolent, and charitable incorporations are sometimes necessary and useful. But to corporations for the purpose of holding and managing property, there are many objections. They change the nature of property, converting real into personal. They injuriously affect the matrimonial relation, depriving the wife of her right of dower. They affect the modes of conveyance, avoiding the publicity of the county registry. They diminish the liability of the partners for the debts of the company. And they create a kind of mortmain inconsistent with the spirit of our laws and the genius of our government. The prohibition of entailments, and the equal distribution of property, are essential to a democratic government. I wish they were incorporated into our constitution. Re-establish entails and the right of primogeniture, and I should despair of the continuance of our government.

Perpetuity is said to be one of the attributes of a corporate body. Its members are continually changing, but its legal entity and tendency remain the same; and, unless it be limited in its charter or meet an unusual termination, it will live forever. Property thus holden in perpetual succession cannot come under the full operation of our statute of distributions. The stock may be distributed, and new stockholders introduced; but the corporation remains unchanged, continuing to hold the cor-

porate property, and to pursue the end of its creation, unaffected by the mutation of its component parts.

Corporations, as such, are not responsible for crimes. They can be reached only through their members and officers; a remedy not co-extensive with the evil, and always resorted to with reluctance. Corporations have no moral responsibility. The responsibility for acts of the corporation is so divided among its members, and so covered with the corporate shield, as to lose most of its power. Acts of incorporation vest the control and management of masses of property and of extensive business on which many may depend for subsistence, in a few persons, who, without the restraint and self-interest of individual responsibility, use the means in their hands for the accomplishment of objects from which, as private citizens, they would shrink. Special charters, therefore, should be granted only for public purposes beyond the ability of individual efforts, and when the public exigencies require that private property should be taken for public uses. If facilities for combined action in ordinary business transactions be deemed necessary or useful, they should be created by a general law, like the law of limited partnerships, which should be alike accessible to all, and of which every joint stock company might avail itself without requiring the agency of the legislature.

Among the prominent objects of enterprise which have engaged the attention of the American people, and which, with their usual ardor, they have carried to excess, that of internal improvements takes the lead. The labor and capital which, in the half century that has elapsed since the formation of our federal constitution, have been expended within the United States upon turnpikes, bridges, canals, and rail-roads, amount to several hundred millions of dollars. Many durable and useful improvements have been made. The country has derived advantages from them. Its permanent wealth has been increased. But with the benefits, evils also have arisen. Much capital has been wasted upon injudicious and improvident undertakings. And the spirit of enthusiasm which has been excited in favor of these enterprises has, not infrequently, outrun the public wants, and anticipa-

ted a state of things which never will exist. Consequently, the advantages to be derived from these premature developments will fail to counterbalance the evil of the immense debts incurred.

Not the least of the causes of the frequent embarrassments in our monetary affairs, in my opinion, is the enormous investments of capital in permanent and unproductive improvements, and its consequent withdrawal from active business. The debts of the different states, incurred mostly for internal improvements, amount to nearly two hundred millions of dollars. These, by the annual payment of the interest, and the eventual extinguishment of the principal, a large portion of which must be paid in Europe, will, for many years, cause an exhausting drain of the wealth of our country, which will produce a deleterious effect upon its credit and currency, and retard its advancement and prosperity.

Among the states which have incurred, and are now subject to heavy responsibilities, I mention with sorrow our own ancient and venerated commonwealth. I regret that private resources were not adequate to the accomplishment of the enterprises which private corporations had undertaken. Many objections to this mode of embarking the credit or the resources of the state, exist. All experience has shown the disadvantages under which a government enters into business transactions of any kind. The number and expense of its agencies, and the negligence, unskilfulness, or unfaithfulness of its agents always expose it to loss. It never can compete with individual shrewdness and diligence. Hence, any partnership or other business connection between the government and individuals or corporations, is unequal and disadvantageous to the state. It generally results in the payment of the expenses by the one, and the enjoyment of the advantages by the other.

In states where, from their natural formation, internal improvements may be extended over every portion of their surface, and where their benefits may be shared with some degree of equality by all the people, less objections exist to their construction at the public expense. But in this state, where the laws of nature forbid a general and

equal distribution of internal improvements, and where their advantages must necessarily be, to a great extent, local and sectional, the construction of them by the state would impose unequal and unjust burdens. It would be to raise money from the whole to be expended for the benefit of a part. It would be impoverishing one section to enrich another. And this is true, to some extent, of every expenditure not made for the general and equal benefit of all. The common objects are few, and easily understood. The support of the government in all its branches; the prompt and impartial administration of justice, including sufficient physical force to insure the faithful execution of the laws, the support of free schools, and the promotion of good education, are the principal common objects which should be a common expense.

But as far as the faith of the state has been pledged, no one will be so recreant to its honor as to hesitate to fulfil, punctiliously, every valid engagement which has been made in its behalf. The assessments which may be laid upon the stock holden by the state, must be promptly met. But it is confidently believed that every grant has been made which will be needed to complete the enterprises our predecessors deemed worthy of the public patronage. The liabilities involved in these grants, including the subscription for the stock in the western railroad, may amount to more than five millions of dollars; the annual interest upon which, including the incidental expenses of payment, would not probably fall short of three hundred thousand dollars; a general liability and a yearly claim, which, should they become fixed upon the commonwealth, would constitute a lien upon all the immovable property within it, that would perceptibly impair its value. I earnestly desire that each corporation to which the credit of the state has been accorded, may be able to meet all its engagements, and in due time to relieve the state from the responsibilities thus gratuitously assumed. But it is the part of wisdom and prudence to look carefully into the nature and extent of our liabilities, and to make preparation in season, and in the least burdensome manner, to meet any contingency which

may arise, and to preserve unsullied the honor and faith of the commonwealth.

The state, by its responsibilities for several rail-road corporations, has acquired such an interest in their success as will justify an investigation into their affairs, to ascertain whether a due regard to the interest of the state and to economy, has been observed in the number of officers and agents employed, in the compensation paid to them, and in the manner of making assessments upon the capital stock.

The fiscal condition of the commonwealth will require much of your providence. I have just presented for your consideration, the contingent liabilities of the commonwealth. I now ask your attention to its direct debts, and recommend the earliest extinguishment of them which may be compatible with the pecuniary means and resources of the state. A reform in the administration of our finances is indispensable to our prosperity and respectability. For several years our expenditures have exceeded our revenue; and, consequently, a debt has been accumulating, which, if suffered to increase in the same ratio, will, eventually, involve our state in deep embarrassment, and subject ourselves or our posterity to onerous taxation.

We present the extraordinary spectacle of a state, rich in its internal resources, in the treasures it draws from the ocean, in the accumulated capital of many years of labor and economy, in the habitual industry aud frugality of its inhabitants, and in the export of the surplus of its fisheries and manufactures—narrow and compact in its territory, dense in its population, advanced in civilization and in moral and intellectual refinement, with the most facile and convenient means of intercommunication—in short, so surrounded with natural and artificial advantages, as to be capable of the best possible government at the least possible expense—during a period of peace and productiveness, annually incurring debts to meet its current expenses. Fellow-citizens, duty to our constituents, justice to posterity, demand a reform. Our means of raising money are ample and available. Whatever hereafter may be needed to pay our existing debts or eventual

liabilities, should be fearlessly called for. The people, if convinced of the necessity and economy of the expenditure, will honorably respond to the call. But they have a right to require strict economy and accountability. And, in my opinion, a resort to taxation is wholly unnecessary. Our present revenue is amply sufficient to meet all our necessary expenses. Let retrenchment be a substitute for taxation. Our expenditures have been unnecessarily large. Let them be diminished. Economy, though more difficult to be practised, is a high virtue in public administrations, as well as in private life. It should be a fixed principle in both, to keep down the expenses below the income. The cost of administering our government has been progressively increasing, and in the last fifteen years has more than doubled. It should be reduced. Increase is more easy than reduction. But retrenchment is practicable, and must be introduced. The people, as they have a right to do, imperiously require it. Look into the different sources of expenditure. If any are excessive, reduce them; if any are unnecessary, cut them off. If there be any supernumerary officers, or any agencies or commissions not immediately necessary for the public good, abolish them. If any of the public servants are paid too much, reduce their compensation. True economy requires, that the state should employ no more agents than are needed for the proper transaction of the public business, and that they should receive a compensation which will command suitable talents, and will be a fair equivalent for the services rendered. But let nothing be added for vain show or ostentatious display—nothing on account of family or friends; nothing for political services or partisan efforts.

And let us set an example ourselves, by the promptness with which we enter into business, and the despatch with which we conclude it. Let our efforts be mainly directed to general subjects which affect the whole people, and let us avoid that special legislation which principally regards the interest and advancement of a few. In this way we may reduce the length of our session and thereby save much expense, without any injury to the public

service. Indeed, too much legislation and too much government, are among those tendencies of the age against which it is our duty to guard. If I may be supposed to have gone out of my appropriate sphere in making these suggestions, I must seek an apology in the earnestness of my desire to reduce our expenses to our income, and in the firmness of my conviction that it is neither impracticable, nor difficult to do so, and not in any distrust of your disposition to accomplish the same end. The subject falls peculiarly within the province of the legislature, and especially the most numerous branch of it, the members of which, from their number, must be presumed to represent more fully and truly the whole population, and to know and feel more thoroughly and certainly their wishes and wants. I will therefore only add, that such measures of retrenchment and reduction as your experience and wisdom may suggest, whatever branches of the service or classes of public servants they may affect, shall receive my cordial concurrence.

The vacancy on the bench of the Supreme Judicial Court having reduced the number of justices to four, I recommend to the legislature the repeal of the law increasing their number. From a good deal of experience in our highest court, and much observation of the proceedings of other judicial tribunals, I am convinced that no other number unites so many advantages for the due administration of justice as four. For centuries, the highest courts of law, in that country whence we derive many of our laws, and more of our judicial precedents and forms of proceeding, were composed of four justices each. And although the numbers have recently been increased, yet I believe it was not because the former numbers were inconvenient for deliberation or decision. The duties of the Supreme Judicial Court are now arduous and severe. But by a proper distribution of labor between that court and the Common Pleas, and by a reasonable restriction of the right of appeal, the two courts will be able to transact the business that may come before them, with all the promptitude which the nature of it will permit.

It is, in my opinion, practicable to reduce the number

of the judges, to diminish the amount of their labor, and at the same time to improve the administration of justice. But to accomplish these desirable objects, it will be necessary to introduce into the judicial system some important alterations. The increase of the exclusive jurisdiction of the Common Pleas, might afford some relief to the higher court; but it would be, at best, only an imperfect and temporary expedient. I think a deeper and more radical change is needed; a change which will not relieve one court at the expense of the other, but will lighten and facilitate the business of both. Let original and concurrent jurisdiction in all real actions, and in all personal actions where the damages claimed exceed five hundred dollars, (or such other sum as the legislature may judge best,) be conferred on the two courts; let exclusive jurisdiction in all other actions, not cognizable by a justice of the peace, be conferred on the Common Pleas, and let appeals from all judgments, on questions of fact, be abolished. It is not intended hereby to restrict the removal of all questions of law, by appeal or exceptions, as heretofore practised. These alterations would, in my opinion, not only lessen the heavy burdens of the Supreme Court, but would greatly expedite the collection of debts, and essentially diminish the delay and expense of litigation, which now, to poorer parties, amounts almost to a denial of justice.

The *right* to two trials by jury of the same question of fact is peculiar to this country, and liable to many objections. It impairs the respect which is due to the decisions of juries. It presents the absurdity of giving full effect to the second verdict, and treating as a nullity the first, when both are rendered before courts perfectly competent to conduct the trials, and by juries supposed in law to be equally capable of deciding correctly. But jurors, though drawn from the same source, are not always equal in experience or intelligence, and it often happens that the verdict of the most competent jury is set aside, at the will of an interested party, while that of the subsequent one, though less competent, must be conclusive. The disclosures of the first trial present to the parties strong temptations, in preparing for the second,

to tamper with witnesses, and to resort to other corrupt and dangerous practices.

We have for so long a time, and with such a degree of success, practised upon our present system, that we have become wedded to it, and are not sufficiently aware of its vices. The integrity of our population may, measurably, have protected us from its evil tendencies. But there is danger that they will increase. That corruption has sometimes been successfully resorted to, cannot be doubted. We have, however, the consoling belief that it has been very limited. But, as from its nature, it must be shrouded in secrecy, the extent of it cannot be known. Even the apprehension of such a danger is sufficient to justify the removal of the cause of it. I am for these reasons of opinion, that, with proper precautions against accidents or surprise, and with suitable provision for new trials, when new evidence may be discovered, the *right* of appeal from the decision of a question of fact may safely and wisely be abolished. I therefore recommend the amendments, the outline of which I have suggested. The two courts, composed of four justices each, with the above distribution of powers and duties between them, would constitute as perfect a judiciary, as, in our situation, "the lot of humanity will admit."

The power "to raise and support armies," and "to provide for organizing, arming and disciplining the militia," is vested in Congress. But, in relation to the militia, the several states, by the constitution and laws of the United States, possess a most important branch of the power. And if this arm of our defence, which on trying occasions has stood the country in so much stead, is to be preserved and improved, it must be by the action of the state legislatures. It is a source of deep regret and mortification, that the state and organization of our militia are so imperfect. For some time, its progress has been that of deterioration, instead of improvement. I therefore recommend a careful and thorough revision of the whole system. Something should be done to improve the organization and discipline which it needs, and to equalize the duties and burdens which

it imposes. By enrolling, arming, and equipping all within the prescribed ages, by requiring the principal duties, and the highest discipline from select corps, and by granting them a moderate compensation, which, if it did not remunerate them for their services, would reimburse their expenses, it is believed the whole system might be improved, and something like justice done to that body of patriotic young men who form the bone and muscle of the physical power of the country.

No government can maintain order, enforce its laws, and punish crimes, without some physical force to which it may resort in case it becomes necessary. Its existence may be sufficient without its use. A knowledge that such a force is ready to be called into action, when required by the civil authority, carries with it a moral power which gives potency to the wand of the civil officer, and, in almost all cases, supersedes the necessity of a resort to physical coercion. This force must consist of a standing army, or of the militia. That citizen soldiers are to be preferred to professional mercenaries, and that effective measures to maintain the one so as to leave no occasion to resort to the other, should be adopted, no friend of our free institutions can doubt.

The education of the people is a subject which has commanded so much of the public consideration, and been so often and so ably presented to successive legislatures, that it will not fail to command your earliest attention and most anxious deliberations. Its importance in a democratic government, which must be sustained by the intelligence and virtue of the people, cannot be too highly appreciated. The system of free schools, which has been transmitted from generation to generation, has improved in its progress, and is now in a high degree of perfection. But it is capable of still further improvement. Recently, great labor has been bestowed upon, and great advancement made, in some departments of education. But the very improvements in the higher branches, and in the more elevated seminaries, excite the ambition and engross the attention of those most active in the cause of education, and thus expose the common schools to fall into neglect and disrepute.

To arouse that strong and universal interest in them, which is so necessary to their utility and success, an interest that should pervade both parents and children, the responsibility of their management should rest upon the inhabitants of the towns. And the more immediately they are brought under the control of those for whose benefit they are established, and at whose expense they are supported, the more deep and active will be the feelings engendered in their favor, and the more certain and universal will be their beneficial agency. In the town and district meetings, those little pure democracies, where our citizens first learn the rudiments and the practical operation of free institutions, may safely and rightfully be placed the direction and the government of these invaluable seminaries. In my opinion, the main efforts, and the most unceasing vigilance of the government should be directed to the encouragement of the primary schools. These are the fountains whence should flow the knowledge that should enlighten, and the virtue that should preserve, our free institutions. Let them ever be kept free and pure.

The instruction of the common mind should be the common concern. Let the whole people be educated and brought up to the standard of good citizens, and intelligent and moral members of society. Let the government care for those who have no one else to care for them. The poor, the weak, the depressed, and the neglected, have the greatest need of the protecting arm and the succoring hand of the commonwealth. Let the children of such be deemed the children of the republic, and furnished with suitable means of instruction, that their powers, mental and physical, may be developed, and they be converted into ornaments and blessings to the community. Let the town schools be open to all, and made so respectable and useful, that all may desire to enter them. The district school, properly governed and instructed, is a nursery of democratic sentiments. It strikingly illustrates the fundamental principle of our government. There, before the pride of family or wealth, or other adventitious distinction has taken deep root in the young heart, assemble upon a perfect level, children of all cir-

cumstances and situations of life. There they learn that rewards and honors do not depend upon accidental advantages, but upon superior diligence, good conduct and improvement. There they have practically written upon their tender minds, too deeply to be obliterated by the after occurrences and changes of life, the great principles of equal rights, equal duties, and equal advantages.

It is the illumination of the universal mind that is the sure foundation of democracy. It is the elevation of every rational soul into moral and intellectual consciousness and dignity, that is to carry onward improvements in our social and civil institutions. To this end should be directed the highest aims and efforts of the legislature.

Our bill of rights enjoins "a constant adherence to the principles of piety, justice, moderation, temperance, industry and frugality," as "absolutely necessary to preserve the advantages of liberty and to maintain a free government." These are general duties prescribed, and general ends recommended, rather than particular directions to be executed by positive enactments. These virtues may be inculcated and encouraged by the general tendency of our legislation, but cannot be enforced by specific penalties. They should form the spirit of our legislative action, and give character to our laws. They should govern our private conduct and public duties. "The people ought to have a particular attention to all these principles in the choice of their officers and representatives; and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws." These monitions and injunctions, deemed, by our ancestors, worthy a place among our fundamental laws, cannot be too sacredly regarded by magistrates and people.

The manner in which these virtues may be promoted by public authority, must depend on the nature of the government and the state of society. Some governments have prescribed the cut of the hair and the fashion of the dress. Others have regulated regimen and diet, and established the prices of articles of consumption. But such sumptuary regulations are supposed by many to interfere

with private pursuits, and to be inconsistent with the principles of a free government.

In the early settlement of our country, and in the primitive state of its manners, it was supposed that piety and religion might be aided and advanced by establishing a particular mode of worship, by compelling all to contribute towards its support, and by coercing, under legal penalties, a universal attendance upon it. But as we advanced in moral improvement, and in a knowledge of individual rights and of the principles of toleration, it was found that these compulsory regulations infringed the rights of conscience and the freedom of religious worship. And it seems now to be universally conceded, that the only wise and safe mode of promoting religion and piety, is to secure to each individual the most perfect liberty to worship God according to the dictates of his own conscience, leaving him to his own responsibility and convictions of religious duty.

No one of the virtues above recommended meets with more universal approbation, or is more difficult to maintain, than temperance. The baneful influence of the opposite vice, so degrading, so destructive of every manly and honorable sentiment, is universally acknowledged and dreaded. And yet so strong is its hold upon the sinful propensities of our nature, that it could never yet be totally eradicated. Reason, virtue, affection, all fall before it. In the suppression of intemperance, much of individual and of combined effort has been made. At first, reasoning, example, and moral suasion, were relied upon ; and extraordinary and unexpected success crowned the labors of those who had so zealously engaged in the enterprise. The use of spirituous liquors had greatly diminished, and the desired reform promised to be eminently successful. But recently the movement in some places has been retrograde. And it cannot be disguised that the consumption of alcoholic liquors has been greater during the last year, than in any one of several preceding years. To what cause shall this unfavorable reverse be imputed? Many suppose that it is owing to the act of 1838, "to regulate the sale of spirituous liquors," and to the excitement and prejudice grow-

ing out of that statute and the attempts to enforce it. While the advocates of temperance confined their labors to argument and example, to public lectures and private admonitions, their progress was rapid and steady. But when they called to their aid constraint and legal coercion, they roused a spirit of independence and resistance,—a determination not to yield to any interference, supposed or real, with individual rights, personal habits, or private business, which counteracted their benevolent intentions, and rendered abortive their philanthropic efforts.

The statute, too, has proved ineffective. In a government so popular in all its attributes as ours, laws which run counter to the opinions or interests, to the prejudices or sober convictions of large portions of the people, cannot be fully and fairly executed. Witnesses are reluctant to disclose the whole truth, and jurors are unwilling to convict. The one will find an excuse for the imperfection of his recollection, and the other for his distrust of the proof, in the unreasonableness of the law, and the injustice of a conviction under it. The numerous attempts to enforce this statute, have involved the commonwealth in great expense; have induced many to palter with their obligations of duty; and have brought distrust upon the purity of our judicial proceedings.

From the most careful observation of the operation of this statute in different parts of the state, and from the most mature consideration of the subject, I am constrained to believe, and am fully convinced, that it has failed to promote the objects for which it was enacted; has produced in its administration much moral and political evil, and has disturbed the peace and good order of society by the discord and animosity which it has engendered among the people. I therefore recommend its repeal. I hope your wisdom and experience will suggest such a substitute as will not be supposed to interfere with the pursuits and employments of individuals; as will tend to allay the existing excitement, and promote the cause of temperance and good morals.

The costs of criminal prosecutions have greatly increased and become a heavy item in our annual expendi-

tures. The statute, the repeal of which is above recommended, has largely contributed to swell the amount. This cause of expense, I trust, will be removed. And I cannot doubt that, in some other respects, the administration of criminal law may be improved and rendered less expensive.

The dispensation of justice and the support of paupers having no settlement in any particular town, is the proper duty and the proper charge of the commonwealth. Any attempt to avoid either, by transferring the expense of the former to counties, and the latter to towns, will not diminish the public burdens, but will throw them upon those who ought not to bear them, and will relieve the whole at the expense of a part. Like any other unequal and arbitrary apportionment, it would operate unrighteously and oppressively.

Our criminal code, in the progressive improvements it has received, is now characterized by its humanity as well as by its justice. But it is, in my opinion, susceptible of still further and important amendments. The lenity of punishment is one of the proofs of the improvement of the age. The number of crimes now by law punishable with death, is very small. And in my opinion public sentiment calls for a further reduction of it. The statistics of crime satisfactorily show that the number of offences is not increased by the mitigation of punishments; but, on the contrary, that crimes have diminished nearly in proportion to the amelioration of criminal law. The legitimate object of human punishment is not the expiation of the offence, but the prevention of crime, and the security of the community. Any severity beyond what is required for this purpose savors of cruelty, and an unnecessary infliction of pain on our fellow-creatures. The severity of criminal laws renders their execution difficult, and thereby defeats the object of them. The certainty, rather than the severity, of punishment is the surest preventive of crime. The strong sentiment against the punishment of death which pervades the community, renders capital convictions almost impracticable, and thus frequently enables great offenders to escape merited punishment. Many people doubt the right of human go-

vernments to take the life of a fellow-being for any cause, and believe that life, the immediate gift of God, that which cannot be restored by any human power, should not be destroyed by it. Without entering into this inquiry, but believing that the number of capital punishments may safely be reduced, if the whole may not be abolished, and that the most prudent and effectual way to correct errors or reform abuses, is by gradual and progressive steps, testing them by experience as we proceed, I recommend the substitution of a milder punishment than death, in most cases; leaving the fit punishment of murder for the revision of future legislatures.

The insolvent law of 1838 has introduced a great change in the relative rights of debtor and creditor, and of the remedies for the collection of debts. We have not yet had sufficient experience to form an opinion of its operation and effect. Should it prove salutary and beneficial, I can perceive no sufficient reason why its provisions should not be extended so as to embrace all classes of debtors, without regard to the amount of their debts or assets. No system of laws which treats poverty as a crime, or subjects honest debtors to imprisonment, like felons, can have its foundation in justice, humanity, or sound policy. If any further legislation be needed for the relief of the unfortunate, I trust that it will be discovered by your discernment, and supplied by your wisdom.

"A frequent recurrence to the fundamental principles of the constitution" is enjoined upon us by the highest authority. At a time, when factitious distinctions in society, arising from its very refinements, from education, from family, from social relations, and from wealth, are multiplying and becoming more clearly defined and regarded, this will be peculiarly useful and necessary. An advancement in civilization, with its virtues and refined pleasures, brings also its vices and evil tendencies. Let us endeavor to purify and promote the former by repressing and restraining the rising indications of the latter.

Our excellent constitution itself contains some defects and inconsistencies. While in one section it declares that "all men are born free and equal," and that "the

body politic" is a voluntary "social compact," to which "the whole people," and "each citizen," are parties, in another it excludes a portion of them from any participation in the election of officers, or the making of laws. He who is governed by laws, in the formation of which he had no voice, is in a state of political servitude. To make the right of suffrage and civil liberty depend upon the accident of property or taxation, seems to me to be inconsistent with the "natural, essential, and unalienable rights" of man; to place the incident above the principal; and to regard the fortuitous and uncertain possessions of this life more than moral and intellectual responsibility. If the right of self-government, the right of suffrage, be a natural one, belonging to every rational being, there can be no just cause for depriving any citizen of it, except, perhaps, as a punishment for crime. As the qualification of voters is fixed by the constitution, this error, if it be one, can be fully remedied only by an amendment of that instrument. The legislature, however, may do much to prevent its exclusive operation, and to relieve citizens from being disfranchised by the negligence or fraud of subordinate town officers. Let the poll tax be fixed so low that any one can easily pay it, and let the assessors be required to include in their respective assessments every resident not legally exempted from taxation.

Some further provisions seem to be needed to protect the laboring classes, and the poorer portion of the community, from unjust and oppressive influences, and to secure to them more perfect independence and freedom of political action. It is feared that men of wealth and extensive business sometimes use the advantages which a bountiful Providence has conferred upon them, above their fellow-beings, to infringe the right of choice, and to control the suffrages of those who may be dependent upon them for employment, and perhaps subsistence, but who, according to the principles of our government, are their political equals. The laborer, whether upon property of his own or of others, should be the truly independent man. He produces more than he consumes, and so far from being indebted for his support, he actually

creates wealth. He in reality is no more dependent upon his employer than his employer is upon him. The rights and obligations of the two classes are reciprocal and equal. And yet the dependence of the one upon the other, although imaginary, is scarcely less effective or less the means of coercion and oppression than if it were real. The genius of liberty requires of every rational soul, a free and honest expression of his unbiassed convictions and volitions. And whoever would infringe this right, and corrupt, at its source, the freedom of elections, whatever other virtues he may possess, cannot be a real friend of the equal rights of man, nor a sincere supporter of the true principles of the government under which he lives.

The secrecy of ballot which should be inviolable, is frequently infringed. The appropriate use of the ballot is at the polls. I fear its peculiar province is not sufficiently understood or regarded. The private voter, who, in his original sovereign capacity, is responsible only to his conscience and his God for the discharge of his political duties, has a right to exercise their functions in perfect secrecy. But a representative or agent, being accountable to his constituents, is not entitled to the concealment of the ballot. The principals ought to be informed how their agents execute the authority conferred upon them, that they may know whether they are truly represented, and, if not, that they may call their delegates to a strict account. It will therefore be worthy of your inquiry, whether further legislation be not needed to give full and fair effect to the popular voice, by rendering more secure the secrecy of ballot.

There is another fundamental defect in the "frame of our government," which calls for your serious consideration, and which can be remedied only by an amendment of the constitution. The basis of our senatorial representation is an extraordinary deviation from the essential principles of our government. It is not easy to account for the introduction of this anomaly. It may be, that in that early age of liberty, the doctrines of popular government were not perfectly understood, and that some of the learned men of our state, who had studied the constitu-

tions of other governments, where "checks and balances" were deemed necessary to limit and restrain the action of the people, were led to believe that even a democratic government needed some kind of machinery to prevent the too free action and the too full sway of the popular will. This basis is not only incompatible with the principles of representative government, and of other vital parts of the constitution, but inconsistent with itself. By the last valuation, the city of Boston contained about one third of the taxable property in the state. It is not improbable, that by the accumulation of capital, the enterprise of its citizens and the advantages to be derived from internal improvements, it will soon increase to one half. Were the apportionment made upon the constitutional basis, this city would now be entitled to one third, and hereafter, perhaps, to one half of the senatorial representation: This would give to each qualified voter in the city many times the weight in the election of senators, which any voter in other districts would have. Were this principle carried into practice, its injustice would be so manifest that the people would find a remedy for the evil. It would present the spectacle of a city, containing a few acres of territory, and less than one eighth of the population of the state, with a nominal valuation, but no actual taxation upon it, electing one third or one half of the representation in the upper branch of the legislature.

If this be a provision of the constitution, why should it not be carried into operation? I know of no constitutional objection to allowing to Boston the number of senators to which, upon the basis of taxation, it is entitled. It is true, the second section of the first chapter limits the number of districts to thirteen, and prohibits the formation of any district so large as to be entitled to more than six senators. But there is no interdiction of the division of counties or other territorial corporations. The legislature may create two towns out of one, to give effect to a legal apportionment. But they cannot sever a town, annexing one part to one district and the other part to another district. The manner of calling and holding town meetings, and of receiving and returning votes,

presents an insuperable obstacle. But in a city no such obstacle exists. "The manner of calling and holding public meetings," and "of returning the votes," is not prescribed by the constitution, but expressly referred to the legislature. They have power to authorize the ward officers to return the votes to the secretary of the commonwealth, as well as to hold meetings and receive the votes in the respective wards. I cannot therefore discover any practical or constitutional objection to the division of Boston, by wards, into as many senatorial districts, as may be necessary to enable it to enjoy the representation to which by the constitution it is entitled. With the best lights which I have been able to derive from a careful study of the structure of our government, and from the most mature deliberation I have been able to bestow on the subject, I cannot bring my mind to the conclusion that the present apportionment is in conformity to the true construction of the constitution. And much as I deprecate the principle, if it be not repudiated by the people, I can do no less than desire to have it fairly executed. I have introduced this subject and presented these views, in the hope that they may produce some immediate action, favorable to a more equal and just principle of senatorial representation.

Strong objections to the constitution of the House of Representatives also exist. But they spring from a different source. The size of that body is a subject of general complaint. While I would retain a numerous house, that it might preserve its democratic character, and be a full and true representation of the opinions, wishes, wants, and interests of the whole people, I cannot doubt, having regard to our population and our limited territory, that the present number is too large, and that a smaller body would be not only less expensive, but better adapted to deliberation and the transaction of the public business. I therefore hope that some mode of representation will be devised, which will be founded on the principle of equality, and reduce the House to a convenient size.

In executing the power vested in the legislature to propose amendments to the constitution, the members act

as the agents of the people. And it is their obvious duty so to propose them, as to give the fairest, the fullest, and freest expression to the popular voice. Every proposition should therefore be plain, intelligible, and untrammeled by any condition or connection with any other matter. To connect two amendments, so that they cannot be voted upon separately, limits the citizen's freedom of action; indicates an attempt by the agents to impose restraints upon their principals, and manifests a want of confidence in the people.

I have not deemed it expedient to delay this communication till I should be able to enter more fully into details of the affairs and ordinary business of the commonwealth. These will be communicated from time to time, as occasion may require.

I have now presented to the two branches of the legislature my views of such important subjects as will be likely to engage and will deserve their attention. I have done it frankly, and from a sense of duty. I have a strong conviction of their soundness and truth. But I dare not hope that they will receive the approbation of all of you. I only claim for them that consideration and that regard, to which their weight and merits may entitle them. And I only ask for myself what I most cheerfully concede to others,—credit for sincerity, integrity of purpose, and a desire to serve and promote the interest, prosperity, and honor of the commonwealth. From an honest difference of opinion I anticipate no want of harmony of action. Be assured that when called upon to revise your acts, I shall do it with a high regard to your opinions, and with all the deference which is due to the co-ordinate departments of the government. And whatever you may do to improve the condition or promote the happiness of our common constituents, shall receive my cordial approbation.

MARCUS MORTON.

ADDRESS

OF THE DEMOCRATIC MEMBERS OF THE LEGISLATURE OF NEW YORK, TO THEIR CONSTITUENTS AND TO THE PEOPLE OF THE UNITED STATES, MAY 26, 1841.

Fellow-Citizens:

In compliance with established usage, the undersigned before they finally separate, on the adjournment of the legislature, deem it proper to address you on the subject of the political condition of our common country. We in all frankness say, that we see nothing in the present relative condition of parties, or in the recent democratic defeat, to discourage the democracy of the United States. We believe that a large majority of the people of this state, and of the United States, are, and always will be, the champions of democracy. For it is the principle of democracy which does justice to man; which demands an equal distribution of every social advantage; and an equal participation of every gift of Heaven. It is the principle of democracy which maintains those glorious truths "that all men were created equal," "and that life, liberty, and the pursuit of happiness," are inalienable rights. It is the principle of democracy which proclaims liberty to the down-trodden in every land; which exposes the abuses of misgovernment; and explodes ancient prejudice and error. It is the uncompromising enemy of usurpation and oppression in every form. This principle is the basis of free government. It asserts the capacity of man to govern himself. It vindicates his intelligence and honesty. It maintains his imprescriptible title to freedom; and his right to choose his own form of government, and to alter and reform it, from time to time as his judgment shall dictate. It wages an eternal war with tyrants and tyranny; with monarchies and aristocracies. It condemns all special privileges; it demands that equal protection be extended to all in the enjoyment of their rights and in their lawful pursuits. It inculcates honor, virtue, honesty, and inde-

dence. It secures to man, dignity, prosperity and happiness.

But it cannot be denied, that, although the principles of democracy are founded in truth and justice, and elevate the character, assert the equal rights, and secure the happiness and welfare of the masses, yet that in every community there is to be found a class of persons, the few who incessantly labor to overthrow these principles, or to limit their influence. It is upon this class that the jealous eye of the democracy must be constantly fixed. Their machinations are ever directed against the masses; their efforts are unceasing to aggrandize themselves, and to encroach upon the rights and privileges of the people. The past history of our government, as well as of our revolutionary struggle, shows that there has always been a party in this country whose object was to engraft upon our institutions the principles of aristocracy.

Many, who took part in the revolutionary struggle, sought to establish an independent monarchy under the name of a republic. The elder Adams was of this number. He advocated a government after the British model, which should recognize three distinct orders, like the king, lords, and commons. He insisted that there was a natural aristocracy in society, composed of the rich, the talented, and well-born; that the most illustrious of this class should be placed by themselves in a senate. He contended that the distinctions of poor and rich were necessary; that "the poor were destined to labor, and the rich, by the advantages of education, independence, and leisure, were qualified for superior stations."

These principles had their advocates in the federal convention. They were zealously maintained by Alexander Hamilton and Governeur Morris. Hamilton insisted there were two orders in society; one the rich and well-born, and the other the mass of the people. That "the people were turbulent and changing," and seldom determined right; that the first class should have a distinct, permanent share in the government, in order to check the unsteadiness of the second. "Can," he said, "a democratic assembly, who annually revolve in the mass of the people, be supposed steadily to pursue the

public good? Nothing but a permanent body can check the imprudence of democracy." Morris said, the senate "must have great personal property; it must have the aristocratic spirit; it must love to lord it through pride."

These distinguished statesmen proposed and advocated a form of government, which provided for an executive and senate for life; an absolute veto in the executive upon all laws: which gave the executive the sole appointment of the heads of the departments, and to the general government the appointment of governors of the states, with the power to negative all state laws, and which proposed to confer on the general government unlimited power in passing laws. This plan would have given us a monarchy instead of a republic. Fortunately for our beloved country, it found no favor with the convention. It was rejected, and the monarchical principles of those who advocated it were repudiated by the stern republicans of that illustrious body. These principles and opinions of Adams, Hamilton, and Morris, were founded upon a distrust of the people; upon a belief that they were incapable of self-government; and hence they contended that a strong government was necessary to check their *imprudence* and control their *turbulence*. These monarchical principles were the principles of the political friends of Adams and Hamilton, who afterwards composed the federal party; a party opposed to a popular government, and all whose predilections were in favor of a government after the British model.

Although the monarchical principles of Hamilton were overruled in the convention, they were not discarded by him or by the party of which he was the head; nor was the design relinquished to engraft them upon our political institutions. In proof of this, we see that immediately after the organization of the government, under the auspices of Hamilton as secretary of the treasury, the attempt was made by him and by the friends of a strong and splendid government, to arm it with powers not intended to be conferred upon it; and to establish a system by which an influence in Congress could be created sufficient to counteract the will of the people.

The first measure started to further this scheme was the assumption of the state debts, and to fund them as well as the certificates of the public debt, at par. This was opposed upon the ground that it was believed the plan had been devised and was calculated to bestow on the government "an artificial strength by the creation of a moneyed interest which would be subservient to its will." (2 Mar. Life of Wash. 192.)

The next great engine of influence devised and recommended by Hamilton, was the Bank of the United States. Its incorporation was the first great triumph of the aristocratical principle over the true spirit and meaning of the constitution. It was opposed by Mr. Madison and others in Congress, and by Mr. Jefferson in the cabinet, upon the ground of its unconstitutionality. And it led to the distinct organization of the two great parties, of federal and republican, between which there has ever since been going on an incessant conflict; the republican party struggling to maintain and preserve the simplicity and limited republican character of the general government, and the federal party endeavoring to clothe it with fearful power, not granted by the constitution, and to devise measures calculated to defeat the popular will. Ever since these two great parties sprang into existence, they have had and now have their respective diagnostics. And by these diagnostics the federal party can be unerringly traced through every transformation it has undergone, and detected under every disguise it has assumed. At all times it will be found advocating the exercise of arbitrary power, proposing measures to increase the power and patronage of the general government, and to curtail the rights of the states and of the people. At all times it will be found in opposition to the extension of the liberties and privileges of the people, and in support of the aggrandizement of the few; ever suggesting and pushing schemes to benefit the aristocracy, and to impoverish the democracy; to make the rich richer, and the poor poorer; and never hesitating to employ either fraud, corruption or violence to accomplish their designs. In adversity, restless, active, vituperative and hypocritical. In prosperity, overbearing, proscriptive, and tyrannical.

Not acquiescing in the declared will of the people, and repudiating the doctrine of submission to the will of the majority, they have never scrupled to counteract it at the bidding of the minority. By tracing the history of this party down from the organization of the government, it will be found to have maintained with undeviating uniformity this character. Its history has been a succession of violation of the constitution, of outrages upon the rights of the people, of hostility to their interests, and of steady, persevering efforts to increase the power and privileges of the few. Thus we see that, under the auspices of Hamilton, the great leader of the federal party, the national debt was funded, and a national bank was incorporated. Thus we see that under the federal administration of John Adams, appropriately denominated "the reign of terror," alien and sedition laws were passed—the one aimed at personal liberty, and the other at the freedom of the press. Thus we see that during this administration, the expenditures were carried beyond the means of the government; that stamp and excise duties were imposed, and loans resorted to; that republicans were insulted in the streets of the capital; that their peaceable assemblies were violently broken up; and that even armed forces were sent out to destroy democratic liberty poles. It was the bold usurpations of this federal administration, that roused the democracy of the Union to a powerful effort in defence of liberty and the constitution; which resulted in the triumph of the democratic principle, and in the election of Jefferson as President of the United States.

After the election of Jefferson, the administration of the general government continued in republican hands, until the coalition of 1824–5 defeated the popular will, and elevated John Q. Adams to the presidential chair. With his accession to the office of chief magistrate of the Union, was revived the latitudinarian doctrines of Hamilton and the early federalists. A gigantic scheme of internal improvements, without any limitation to such as were national in their character, was then devised, in opposition to the plain letter and spirit of the constitution, and in face of the direct rejection of a proposition

in the national convention to authorize Congress to construct canals. (3 Mad. Papers, 1516–7.) A scheme which, if carried out to the extent proposed, would have cost two hundred millions of dollars. The aristocratic and dangerous policy of this administration led to a second struggle between the two great parties, which resulted in another decisive victory of the democracy.

The result of this victory was most propitious to the welfare of the American people. Under the administration of Andrew Jackson, the corrupting and unconstitutional system of internal improvements, devised under the auspices of his predecessor, was arrested, and the attempt of the Bank of the United States to obtain a recharter was signally defeated. For the defeat of these ruinous measures, the country is indebted to the uncompromising, fearless and persevering opposition of Andrew Jackson. His Maysville road veto put an end to the internal improvement system, and his bank veto gave the national bank its quietus. Other schemes analogous to those advocated by the early federalists, were started by the modern federalists in Congress during the administrations of General Jackson and of Mr. Van Buren, viz. the distribution of the public lands among the states, although they were ceded as a common fund for the joint use and benefit of the United States, and for no other use or purpose whatsoever; a high tariff; the collection of a revenue for distribution; and an assumption of the state debts. The policy of the modern federalists is the same as that of their prototypes.

The party now self-styled whig, is the old federal party under a new name. Its identity with that party is proved by the principles it professes. The present whig party advocate a national bank; the construction of internal improvements by the general government without limitation; the collection of a revenue for distribution; high taxes by means of a high tariff; distribution of the public domain; and an assumption of the state debts. In fine, they advocate the exercise by the general government of every constructive power, advocated by the old federal party; and in humble imitation of that party, maintain practically the dangerous doctrine that "a na-

tional debt is a national blessing." They are politically the legitimate and lineal descendants of the federalists of the Adams and Hamiltonian school. In many instances they have improved upon the aristocracy of their predecessors. Departing from the sound and strict construction of the constitution, and embarking upon the wide sea of latitudinarianism, the construe the constitution to mean any thing and every thing, which expediency or partisan interests may dictate. No limit can be assigned to the enlargement of the powers of the general government, under the ancient federal and present whig doctrine of construction. The amendment to the constitution, which reserves to the states or to the people all powers not delegated to the United States by the constitution, nor prohibited by it to the states, has with these federal and whig politicians become a dead letter. Every new power with which the federal aristocracy may desire to fortify the general government, may by their dangerous doctrine of constructive powers, be brought within the constitutional authority of Congress. They have only to say that the new power "is necessary and proper for carrying into execution" some enumerated power, (and the terms "necessary" and "proper" they define to mean expedient, useful, or convenient,) and by their mode of reasoning they prove that the new power may be constitutionally exercised. In this manner the federal party maintains that a national bank is constitutional; that Congress has power to make roads and canals; to distribute the proceeds of the sales of the public lands and the public revenues among the states; to create a high tariff, for the purpose of raising revenue for distribution; to assume the state debts, thereby to apply the moneys of the whole people in payment of the individual debts of the several states.

The inevitable tendency of these doctrines is to a powerful, gigantic, consolidated government; that species of government which John Adams, Alexander Hamilton, and all the early federalists sought to establish. Unless the power is arrested from the hands which now possess it, our government will ere long, under the malign rule of the federal aristocracy, cease to be a government of

limited powers; its republican character will be lost; and it will give place to the absolutism and corruption of a monarchy: we shall have the arbitrariness of the British model, accompanied by its venality and corruption; we shall have a centralization of all power in the federal head; an overthrow of the state sovereignties; state rights and the liberties of the people will be swallowed up in the great national reservoir of political power created by these descendants and servile imitators of the Hamiltonian federalists.

The present crisis is pregnant with the vital interests of the American people. The federal party having by fraud, corruption, deception, and misrepresentation, obtained the control in the councils of the nation, are preparing to make use of their short-lived supremacy in inflicting upon the people the most dangerous, as well as the most ruinous, of the ultra measures of ancient federalism. First in their affections, and first in its powers of mischief, stands the national bank. Twice since 1831 has the verdict of the American people been rendered against this dangerous institution. In defiance of this verdict, which stands unreversed; in defiance of the determined hostility of a great majority of the American people to this measure of the aristocracy; the present whig party are preparing to inflict this curse upon the country. During the recent election, the whigs refused to submit the question of a national bank to the decision of the grand inquest of the people. But now, having by unnatural and heterogeneous alliances, by concealment of principles, by misrepresentation, imposition and fraud, obtained the ascendency, they do not hesitate to fasten upon the country an institution condemned by the people, and one which Jefferson declared was "of the most deadly hostility existing against the principles and form of our constitution." And they are preparing to commit this great wrong with the example of the late Bank of the United States before their eyes, which, after waging war against the government and the people, purchasing presses and men like cattle in the market, making loans to members of Congress, gambling in state stocks, speculating in cotton, and demoralizing the community, at

length lays prostrate in bankruptcy and ruin, the victim of its own abuses. Nothing but the thunder tones of indignation from an injured and insulted people will save them from the dread calamity of the re-incorporation of a national bank. To enable the party in power to carry out their scheme of a national bank, it will be necessary for them to create a stock of the United States, to form a part of the capital of the bank. To do this, a national debt must be created. None now exists. The difficulty will no doubt be obviated by an assumption of the state debts. Here then we shall have two of the chief blessings of federalism, a national bank and a national debt, bestowed upon us by the whig party, into whose hands the government of the Union has fallen.

These are not the only federal blessings of which we are likely to be the victims. The good old democratic notions of economy in the public expenditures, of freedom from debt and taxation, of the importance of light burdens to the happiness, freedom, and prosperity of the people are all to be abandoned. We are to have a high tariff, which means high taxes, imposed indirectly upon teas, coffee, and other great articles of necessity, adding to their cost some twenty-five to thirty per cent., which will operate most oppressively upon the whole people, and especially upon the poor. The public lands, the common property of the whole Union, are to be divided among the states, at a time when their proceeds are wanted to meet the ordinary expenses of the government, to extend and repair our national defences, and to sustain our army and navy, and the deficiency in the revenue which this abstraction will produce is to be supplied by increasing the duties on imports, and thus adding to the burdens of the people. The gigantic system of internal improvement is to be revived and prosecuted under the *new impulse*,— and under the guidance of the federal principle that a national debt is a national blessing. The tendency of all these measures is (in the language of Jefferson) to a "consolidation by the federal government in itself of all power, foreign and domestic; and that too by constructions, which, if legitimate, leave no limits to their power."

The party now in power also threaten to repeal the act

establishing an independent treasury; that great democratic measure of Mr. Van Buren, which separated bank from state, and divorced the money from the political power; a measure which reflects infinite honor upon the late President, and has won for him the approbation and admiration of every true republican, and of every sincere lover of his country. Not content to give this measure a fair experiment, and intent upon reuniting bank and state, and reviving the corrupting and demoralizing influences of that meretricious connection, the whig party seems resolved to repeal the act establishing the independent treasury, and to substitute in its place, as the fiscal agent of the government, an overshadowing gigantic national bank.

As a further proof of the aristocratic character of the present whig party, of their contempt of the rights of the people, and of their innate hostility to free institutions, and the principle upon which they are founded, we may refer to the numerous frauds and acts of violence committed by them, in order to set aside the popular will, and to retain or acquire power. Witness the infamous determination of the Pennsylvania whigs in 1838, to treat the election of Gov. Porter and of the eight democratic members of assembly of the county of Philadelphia, *as if it had not happened*, and to declare Gov. Ritner elected. And witness the unscrupulous and traitorous attempt to maintain this usurpation by force of arms. And witness a similar attempt made by the same party in the House of Representatives of the United States, in December, 1839, to admit to seats in that body, five whigs who had been rejected by the people of New Jersey, but who had, notwithstanding that rejection, fraudulently obtained from the whig governor of that state a false certificate of their election. And witness also the fact that this foul fraud was sanctioned by the whig majority of the legislature of this state.

To these cases we may add, that of the importation of fraudulent voters from Philadelphia to the city of New York, in the fall of 1838, by which means, one senator, four members of Congress, and thirteen members of assembly were elected. In this nefarious transaction, men

high in the ranks of the whig party were deeply implicated. And the infamous agents employed in that traitorous conspiracy against our free institutions and the rights of the elective franchise, have ever since been patronized and sustained by the whig party, and one of the most prominent of their number has recently been rewarded by a responsible office under the general government. Are these not conclusive evidences that the whig party entertain all the contempt of the ancient federalists, for the rights and the will of the people,—and that the design of their leaders is, to engraft upon our form of government the features of the admired British model, and to introduce into our elections the corruption and venality which disgrace the exercise of the elective franchise in England? Let them be successful, and our freedom will exist only in name. An aristocracy of wealth will rule the now free and indomitable democracy of this republic with a rod of iron. Debt and taxation will be their portion. They will be reduced to the lamentable condition of the English people; doomed to be the hewers of wood and the drawers of water for a purse-proud aristocracy; doomed to the slavery of toiling sixteen hours every day, and of paying one third of all their earnings towards the support of the government which enslaves them. There are other and conclusive proofs of the hostility of the whig party to the rights of the people. Witness their uniform and pertinacious opposition to the extension of the right of suffrage; their persevering and untiring advocacy of the property qualification of electors. Look into the New York convention of 1821, and see the earnest, zealous, energetic efforts of all the leading federalists in that body, to retain this odious, aristocratic feature of the old constitution. See how truly the parties ranged on that question; the democracy, with Van Buren at its head, on one side, breaking the shackles thrown around the people, and boldly and honestly contending for the extension of the right of suffrage to every man "who either fights or pays." And aristocratic federalism, on the other, obstinately resisting the surrender to the people of this great right, of which they had been despoiled.

Within the limits of our own state, we have witnessed for the last two years, exhibitions of the fell spirit of federalism, which equal, if they do not transcend in atrocity, any that disgraced the reign of terror. In the fall of 1837, the empire state fell into the arms of federalism. The first result of this unfortunate event was a revolution in the financial policy of the state. Before that period, the state finances had been wisely, prudently, and safely managed. The expenditures had not been allowed to exceed the income. Debts had not been contracted except when warranted by the means on hand, or by the unquestionable and unquestioned ascertained revenues of the state. Under the democratic policy, taxation would never have inflicted its terrific burdens upon the people. But when the whigs took possession of the Assembly in 1838, a new light was shed upon the financial policy of the state. It was then for the first time discovered that New York had not broken her shell in her internal improvement policy. That the democracy were behind the intelligence of the age. They had been blind to the beauties and blessings of the credit system. They had never revelled in the luxury of a great state debt. The three great rail-road lines of Gov. Seward had neither been projected nor constructed. The policy of the more speedy enlargement of the Erie canal had not been adopted. With the accession of federalism to the house of Assembly, commenced a new era—the era of extravagance, of profligacy, of reckless expenditure, and of the foundation of a great state debt. One distinguished whig leader reported that the canal revenues would warrant the creation of an additional debt of 40 millions in ten years. Another whig leader reported a bill for completing the enlargement of the Erie canal in five years—which bill passed the Assembly with the further provision appropriating four millions of dollars to that object. Under this new impulse, the policy of the more speedy enlargement was adopted. And it has ever since been pertinaciously persevered in, in despite of the uniform opposition of the republican members of the legislature. The direct state debt, including the appropriation of this year, already exceeds 20 mil-

lions of dollars, and including loans made and authorized to be made to rail-roads, it exceeds 25 millions. The aggregate state debt, when the works now in progress shall be finished, will exceed 40 millions. And when all the deferred but surveyed rail-roads, canals, extensions and enlargements which have been recommended by Gov. Seward, or have found favor with the whig party, shall be completed, the debt will range above 70 millions of dollars. The tendency of this reckless extravagance is to onerous and ruinous taxation, which will "take from the mouth of labor, the bread it has earned."

All the leading measures of the federal dynasty which now sways the destinies of this state, exhibit a degree of intolerance, hostility to popular rights, and constitutional violations, unparalleled in the history of our country. The first act of these federal patriots after they obtained possession of the government, was a universal seizure of the spoils of office. When in the minority they denounced, with the bitterest invective, the doctrine that "to the victor belong the spoils;" and declared that that principle was fit only for robbers. But as soon as they found themselves in the majority, this principle was no longer repudiated, but became the most prominent in their political creed. Universal and indiscriminate proscription was then their rule of action. Every democratic incumbent, of the lowest as well as of the highest office, within reach of the appointing power, was instantly removed. Not content with seizing existing offices, as rewards for rabid partisans, new ones were created to supply the cormorant demands of this mercenary corps, who fought not for principle, but for pelf.

The legislation of the present party in power has not been honestly directed to the advancement of the public good, but has been prostituted to the promotion of political objects. A great portion of the legislative session of 1840 was occupied in the discussion and adoption of political resolutions. It was deemed important by the whig leaders to appease the spirit of abolitionism; hence resolutions satisfactory to the abolition portion of the

whig party, were introduced and adopted; and hence a law was passed, intended to prevent the delivery of fugitive slaves to their owners, in direct violation of an express provision of the constitution of the United States. It was deemed necessary by these exclusive friends of the people, to throw a tub to conservatism, and to furnish a ray of hope that the bubble of credit and speculation would again be inflated, to enable the patriotic conservatives to sell out their lithographed cities; hence resolutions condemning the independent treasury, and to divide the public lands among the states were presented and adopted. Something also was deemed necessary to be done, to gratify the federal aristocracy, by way of a renewed expression of their sovereign contempt of the rights and will of the people; hence the introduction and passage of the resolutions approbating and sanctioning the infamous New Jersey fraud, by which it was attempted to annul the popular vote of that state, and to thrust upon Congress members rejected by the people. But the crowning act of hostility to and disregard of the rights of the democracy, was the law requiring a registration of the voters in the city of New York. This law was inflicted upon that city as a punishment for its indomitable democracy. It was intended to disfranchise the laboring classes by environing the exercise of the right of suffrage with difficulties and expenses, so numerous and onerous, as effectually to deprive them of that great prerogative of freemen, guaranteed to them by the constitution. It was a law which rode over and rode down the constitution, and was aimed at that honest class of the empire city who earn their bread by the sweat of their faces, and especially at the great body of our independent and liberty-loving naturalized citizens, who have fled to the bosom of our republic as a refuge from the political persecutions and tyranny of the old world. But thanks to the unpurchaseable democracy of the city of New York, this despotic and unconstitutional exercise of power by the federal aristocracy has only served to stimulate them to increased exertion. Thrice have they spoke since the passage of this odious law, and thrice has the present dynasty been rebuked.

During the present session of the legislature, the whig dynasty have appeared "to lord it through pride." They have gone beyond the examples of their federal predecessors. They have even improved upon the Hamiltonian aristocracy. Until 1841, the judicial bench and the military department had never been desecrated by the hand of political proscription. Judges and military officers had always been permitted to hold their offices through all political changes, until the terms for which they were appointed had expired. But a new policy has now been adopted. The bench and the militia are no longer secure from executive proscription, although protected by the ægis of the constitution. The judge is hereafter to be dragged from the bench, and the military officer is to be removed at executive bidding, to make room for the political friends of the appointing power.

The removal of Robert H. Morris from the office of recorder of the city of New York was one of the greatest outrages ever perpetrated by any party, since the organization of our government. Under the provisions of the constitution he held his office for five years, and could only be removed by the senate on the recommendation of the governor, for causes to be stated in such recommendation. The governor recommended his removal, and assigned as causes therefor, that he repaired to the house of a citizen and demanded and obtained a package of papers proved to relate to a complaint for subornation of perjury, pending before him, against James B. Glentworth, committed in importing gangs of fraudulent voters to the city of New York for the purpose of carrying the elections in that city in the fall of 1838 and spring of 1839, in favor of the whig party; and that the recorder justified such demand and obtaining of the papers, to the grand jury. For these causes the senate, in accordance with the recommendation of the governor, removed the recorder from office. Thus was an independent and upright judicial officer removed, for an honest and fearless discharge of his duty as a magistrate. He was vigorously engaged in probing certain atrocious frauds proved to have been committed against the elective franchise; frauds which implicated high whig leaders, the political

friends of the executive. In the midst of the discharge of this great duty, he was arrested by the executive arm, and, with the assent of a subservient senate, was removed from office. This atrocious act of proscription was committed to punish a fearless and upright judge for the energetic discharge of his duty, and to screen political partisans from exposure, punishment, and disgrace.

The removal of Quarter-master-general Campbell P. White, and Pay-master-general Prosper M. Wetmore, was similar in character to the removal of Recorder Morris. The tenure of their office was entirely independent of the governor. They held them during good behavior, and could only be removed by the senate, on the recommendation of the governor, stating the grounds on which the removal was recommended. The governor assigned two grounds as causes of removal. The one was untrue in fact, and both were puerile and frivolous. None were so blind as not to see that the removal had its origin in political considerations alone, and that the grounds assigned by the governor were mere pretences to cover up the real causes that prompted it. Each of these removals was a palpable infraction of the constitution; and the ignominy of the act was sought to be covered up by the assignment of flimsy pretences as reasons, which the dimmest vision could penetrate.

The removal of Judges Scott and Scheiffelin of the marine court of the city of New York, without assigning any cause therefor, or giving them a hearing or an opportunity of defence, was another act of arbitrary power and of executive usurpation, which tends to exhibit the true character of the present reckless and intolerant dynasty.

All these acts of removal stand out in conspicuous prominency as outrages which call down upon the present administration the execration of the good and the just of all parties. This administration is becoming a by-word and proverb in the land. Its prominent characteristics are its political proscription and its habitual violations of the constitution. The inquiry is already anxiously made, —When will its malign rule end? These repeated acts

of arbitrary power, these reckless violations of the constitution, will accelerate that desirable event.

The preservation of the constitution, the liberties of the people, and the prosperity and welfare of the whole country, are now at stake. The present crisis is big with the destinies of this country. Its indomitable and incorruptible democracy must rouse itself like a strong man after sleep, and put forth its mighty strength. The great body of the people compose that democracy. Let that portion of it which has wandered from the republican path "in moments of error or alarm," "hasten to retrace their steps, and to regain the road which alone leads to peace, liberty, and safety." The federal aristocracy, which now rule the Union and the empire state, are preparing shackles for the American democracy. They are conspiring to aggregate power in the few, and withdraw it from the many. They are plotting to create a great national as well as state debt, and an overshadowing national bank, and hope through their joint agency to subjugate the people. The whig members of the present house of Assembly have voted down a proposition for amending the constitution, so as to require every law for borrowing money for ordinary purposes, to be submitted to the ratification of the people before their faith and property shall be pledged for its payment. They thus appear to have resolved to fasten a great state debt upon the people, and to mortgage the land and the labor of the present and future generations for the payment of the principal and interest, without giving the people an opportunity to say whether they are willing to be mortgaged to the fund-holders, and to be taxed for money to be loaned to rail-road and other corporations.

So wedded are the party in power to a national bank, and so strong are now their hopes to fasten it upon the American people, that the whig majority of the senate have been willing to expose themselves to public obloquy and contempt, by adopting a resolution instructing Mr. Wright to use his endeavors to procure the passage of a law for the establishment of a national bank, while they themselves scout the doctrine of instructions, and deny all obligation to obey them.

The circumstances of the defeat or failure of one of the most important of the public measures of the session, furnish a further illustration of the character of parties, and exhibit the readiness with which the democratic party, in legislation as in political action, adheres to the great principle of justice and equality. We allude to the general election law. That bill was one of a very valuable character. It was of great length, and had been elaborated with unusual care and pains by the assembly. It contained a general revision of the election laws of the state, into which it introduced the important reforms of confining elections to one day, and of dividing the towns and wards into small election districts, of about five hundred voters each. In these respects, its operation was, however, confined to towns and villages, and did not include the cities of the state, in relation to which a different bill was introduced into the senate. The senate bill was a general registry law for the other cities, similar to that which has been found so odious, oppressive, and expensive in the city of New York. It included, also, provisions for districting the cities, and for holding the elections in them in one day. The assembly bill was first acted upon; and it passed that body near the close of the session, by the votes of the democratic members then constituting its majority, embracing a provision repealing "all existing provisions of law requiring a registration of voters in any single city of this state, as a special exception to the general laws applicable to the other cities and large villages thereof." Thus placing New York upon a footing of equality with the other cities of the state, whether, through the passage of the senate bill, it should be subjected, along with them, to the burden of registration, or with them, be exempt from the infliction. In this shape it was sent to the senate. Shortly after, the senate bill having passed that body, came to the assembly, from whence, shorn of its registration features, it was returned to the senate, was concurred in by that body, and became a law. A different fate awaited the general election law of the house. In the senate, it was amended by striking out the provision in relation to the registry for the city of New York. The as-

sembly having refused its concurrence in the senate's amendment, that body voted again, by a strict party division, to adhere to its amendment, notwithstanding the efforts of democratic senators to induce the majority to recede; and the bill was lost. Thus the political majority of the senate, after having yielded the registration principle, to obtain the "one day," and the "districting" principles for the cities, turned round, and reversing its action, sacrificed the latter valuable principles of reform, together with all the other important provisions of the law as applied to the state at large, for the sake of continuing to enforce its former detestable oppression on the city of New York, against the well-known and abundantly manifested opposition of a decisive majority of the inhabitants of that city. Under such aspects, the question will go to the people. In their hands we are content to leave it—believing that the honest and upright democracy of the state would infinitely prefer to forego for a year the enjoyment of the benefits of the pending law, rather than disgrace itself by abandoning that principle of just uniformity and equality, which, at all times, and especially in relation to the exercise of the elective franchise, it is the highest duty of all honest legislation to maintain.

With the present administration and the present whig legislature, the advancement of political objects appears to be the great end of all their official and personal labors. Their motto is—the end will justify the means. The history of the last presidential election demonstrates that the whig party are as unscrupulous in morals as they are anti-republican in principle. The presidential candidate of the democracy was defeated by means of a regular system of fraud and misrepresentation deliberately concocted at Washington, and systematically carried out in all parts of the Union. The democracy were by these means defrauded of their votes. Mr. Van Buren fell a martyr to his principles. He was more honored in his defeat, than his competitor was in his victory. Mr. Van Buren's principles were proclaimed to the American people. He fearlessly avowed them to the last. They were the principles of the democracy. And he carries with

him into private life the esteem, the respect, and admiration of his countrymen. He will ever be regarded as a patriot and a statesman, and he will take his rank with the most illustrious of his country's sons.

A high and imperious duty devolves upon the democracy to assert their rights, and to drive from place and power the unscrupulous party which now corruptly and tyrannically sway the destinies of this state. Their liberty and happiness, the prosperity of their country, loudly call upon them to put forth their best energies to achieve this great deliverance. To accomplish it, they must inculcate unceasingly the principles of democracy—they must press upon the minds of the old and the young, the great fundamental principle upon which all the others repose, "the equality of men in civil and political rights." That all legislation which disturbs this equality is anti-republican. That grants of special privileges to one man, or to any set of men, are attacks upon the rights of every other man in the community. That a good government is that which restrains men from injuring one another, but "leaves them otherwise free to regulate their own pursuits of industry and improvement," and which does "not take from the mouth of labor the bread it has earned." That debts, individual, state and national, produce a condition of dependence subversive of equality among men, and destructive of freedom of action among states and nations. That the following are among the essential principles of our government:—"Equal and exact justice to all men, of whatever state or persuasion, religious or political;" "economy in the public expense, that labor may be lightly burdened;" the honest payment of our debts, and sacred preservation of the public faith; "the diffusion of information and arraignment of all abuses at the bar of public reason."

Democratic republicans! we call upon you to stand by your arms; to redouble your exertions. We conjure you to use as your weapons truth and justice; to diffuse information; to expose the designs of the federal aristocracy; to press upon the people the startling fact, that if the whig party continue in power, their lands and labor will be mortgaged for the payment of a forty and perhaps

a seventy million debt; that grinding taxation will be their inevitable fate; and that a great national bank will be fastened upon the country. If every democrat does his duty, the days of federalism in the empire state will be numbered, and democracy will achieve a triumph which will be perpetual.

DEMOCRACY.

[AN EXTRACT.]

DEMOCRACY must finally triumph in human reason, because its foundations are deep in the human heart. The great mass, whose souls are bound by a strong, paternal sympathy, once relieved from ancient prejudice, will stand forth as its moveless champions. It fastens the affections of men, as the shield of their present liberties and the ground of their future hopes. They perceive in it a saving faith, a redeeming truth, a regenerating power. It is the only creed which does justice to man, or that can bind the entire race in eternal chains of brotherhood and love. Nothing sinks so deep into the hearts of the multitude, for nothing else is so identified with their moral and social good. Though the high and mighty of the earth may deride its simple truths, these are willing to die in their defence. Those truths are blended too closely with all for which it is worthy to live and glorious to perish, to be relinquished without a struggle or a pang.

They are too firmly allied to the imperishable hopes, the deathless aspirations, the onward triumphant march of humanity, ever to be deserted. The fortunes of individuals may change, empires be born and blotted out, kings rise and fall—wealth, honor, distinction fade as the dying pageant of a dream; but democracy must live. Its origin is among the necessary relations of things, and it can only cease to be when eternal truth is no more.

It is the principle of this democracy we wish to unfold. Our design is to expound in our own way its nature, tendency, beauty, and end. We are drawn to it by strong cords, and cannot but explain the grounds of our love. There is a clear region of philosophic inquiry above the clouds of party strife. To procure exemption from common errors and ordinary modes of thought, one must breathe its pure and wholesome air. He must retire from the din of daily warfare; he must live in the calm study of his own soul in the silent observation of man. Freedom from prejudice is the indispensable condition of free thought. In the sacred depths of retirement the soul alone is free—for there it roams gladly over the universe —communes with its own deep experience—consults the sublime spirits of the past. We speak, therefore, not to parties, but to men. The interests of party fluctuate like the ceaseless flowings of the sea, while the interests of humanity are as permanent and eternal as the hills. Yet if there be associations of men which above others recognize the principles we maintain; if there be a party, how obscure or dejected soever, which holds the truths we hold, as the distinctive ground of their political faith, as the badge of their paternity, we hail them as brothers —extend the right hand of fellowship—unite with them in the great cause.

Democracy, in its true sense, is the last best revelation of human thought. We speak, of course, of that true and genuine democracy whose essence is justice, and whose object is human progress. We have no sympathy with much that usurps the name, that monstrous misgrowth of faction and fraud. The object of our worship is different from these, the present offering is made to a spirit which asserts a virtuous freedom of act and thought, which insists on the rights of men, demands the equal diffusion of every social advantage, asks the impartial participation of every gift of God, sympathizes with the down trodden, rejoices in their elevation, and proclaims to the world the sovereignty, not of the people barely, but of immutable justice and truth.

The subject, in every aspect it may be regarded, is obviously important. It involves questions of the highest

moment. The condition of society is modified by every change in this doctrine of rights. No other doctrine exerts a mightier power over the weal or woe of the whole human race. In times which are gone, it has been the moving spring of revolutions—has aroused the ferocious energies of oppressed nations—has sounded into the ears of despots the fearful moanings of coming storms—has crimsoned fields of blood—has numbered troops of martyrs—has accelerated the downfall of empires—has moved the foundations of mighty thrones. Even now, millions of imprisoned spirits await its march with anxious solicitude and hope. It must go forth, like a bright angel of God, to unbar the prison doors, to succor the needy, heal the sick, relieve the distressed, and pour a flood of light and love into the darkened intellects and dreary hearts of the sons of men.

Man has rights. He has a right to expand and invigorate every mental power, to cultivate every mental gift, to lay up knowledge in stores, to investigate every science, to comprehend all arts. Who shall restrain thought in its free passage over the broad universe—who shall clip the restless wings of imagination, or imprison the giant energies of the will? Man has the right to think; not only to think, but to utter. Thank heaven, no chains can bind the viewless thought—no tyranny can reach the immaterial mind.

Whatever his mind, in the wide circuit of its musings, may conceive, his mouth, in the presence of the world, may speak; what his noble spirit feels, he has the right to express. He may send forth his "truths of power in words immortal;" he may seek to convince and persuade his fellow-men; to make known his convictions; to declare his aspirations; to unfold the truth; to discover new relations of thought; to promulge novel doctrine, to question error; and, if he be able, to move men towards a triumphant assault on evil institutions and corrupt laws. As a moral being, he has a right to decide on the duties of the sphere in which he is placed; he has the right to indulge the tenderest as well as the loftiest sensibilities of the heart; to sigh with the sorrowful; to commiserate the oppressed, and to weep the bitter tears of a

broken heart over misplaced confidence. He has the right to nourish the sense of duty, the power of enduring; the energies of self-command; to conquer passion with manly force; to throw back temptation with lusty arm; to resist the myriad fascinations of deceitful life with iron heart and iron will. He has the right to act according to that conscience which his God has given; to oppose vice, though millions swell the ranks of its worshippers; to espouse and uphold truth, despised as it may be. These rights of man belong to him as man; they are neither gifts, or grants, or privileges, but rights. He traces them to no concessions granted in the plenitude of aristocratic generosity, but to a higher source, the God of his spirit, the Creator of the worlds. They belong to man as an individual, and are higher than human laws. The charter on which they depend was drawn from the skies, and bears the signet and stamp of heaven.

To fetter the freedom of man is not only to act the part of tyranny, but to inflict a gross wrong, to outrage a high gift, to trample on a creation of God.

The rights and happiness of the many will prevail. Democracy must finally reign. There is in man an eternal principle of progress which no power on earth may resist. Every custom, law, science, or religion, which obstructs its course, will fall as leaves before the wind. Already it has done much, but will do more. The despotism of force, the absolutism of religion, the feudalism of wealth, it has laid on the crimson field; while the principle, alive, unwounded, vigorous, is still battling against nobility and privilege with unrelaxing strength. It is contending for the extinction of tyranny, for the abolition of prerogative, for the reform of abuse, for the destruction of monopoly, for the establishment of justice, for the elevation of the masses, for the progress of humanity, and for the dignity and worth of the individual man. In this great work it has a mighty and efficient aid. Christianity, self-purified and self-invigorated, is its natural ally. Christianity struck the first blow at the vitals of unjust power. The annunciations of its lofty Teacher embodied truths after which the

nations in their dim twilight had long struggled in vain. They were addressed to the deepest and holiest aspirations of the soul. They kindled in humanity the dormant consciousness of its native worth, imparted to it the sense of undying strength, and shed around it the light of a glorious destiny. These potent doctrines were the inherent dignity, the natural equality, the spiritual rights, the glorious hopes of man, removing the obstructions of heaped-up falsehood and fraud; they speak to oppressed, down-trodden man. They cherish the sense of personal worth; they strengthen faith in truth; they reveal the highest excellence; they demand unceasing progress, they worship the soul as of higher importance than all outward worlds. The movement of man, then, must be onward. The virtue of earth, and holiness of heaven, are pledged to his support. May God hasten the day of his complete final success. Then will the downcast look up, then will the earth be glad, then will a broad shout of rejoicing break through the concave of heaven, and be echoed back from the thrones on high.

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